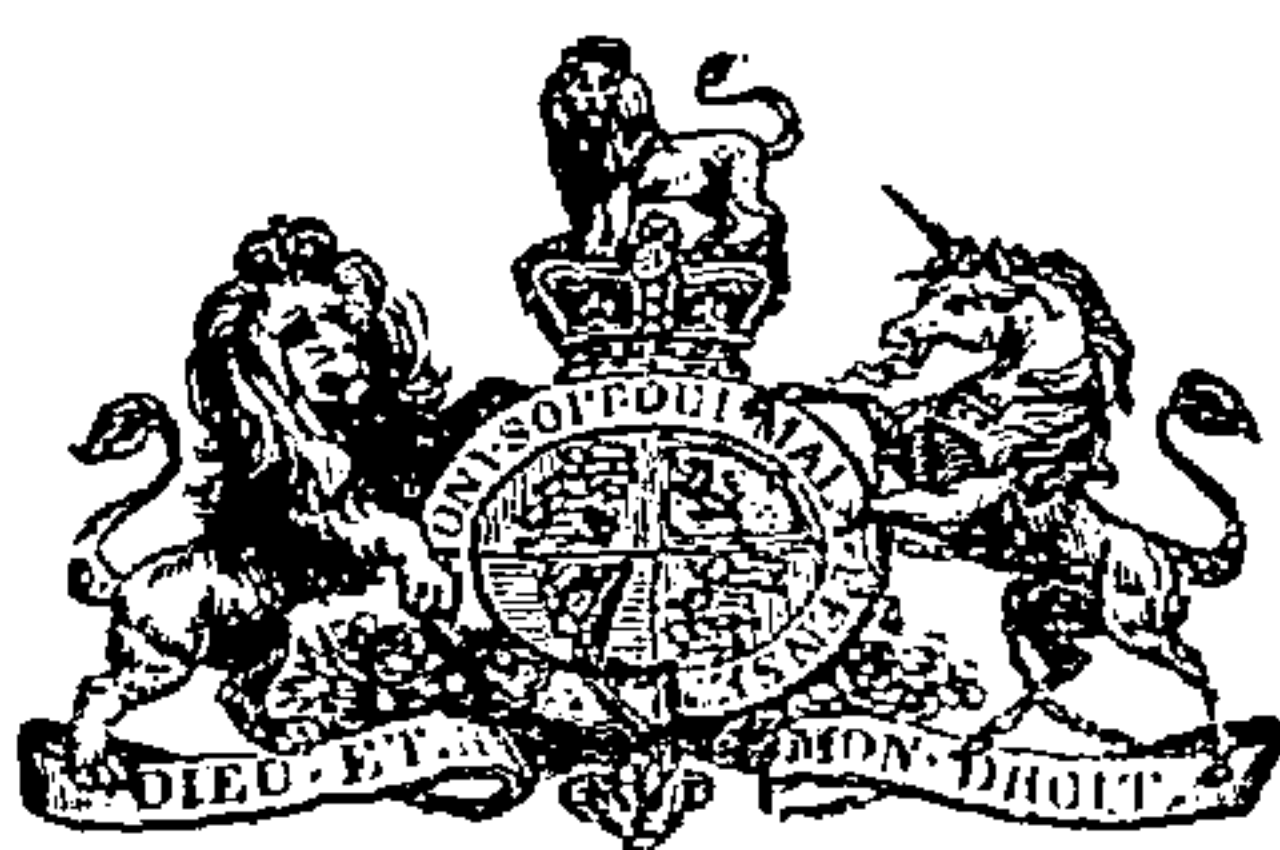


[60 & 61 Vict.]

*Southampton Corporation
Tramways Act, 1897.*

[Ch. cxxvi.]



CHAPTER cxxvi.

An Act to authorise the Mayor Aldermen and Burgesses of the County Borough of Southampton to acquire the Undertaking of the Southampton Tramways Company and for other purposes. A.D. 1897.
[15th July 1897.]

WHEREAS the county borough of Southampton (herein-after called "the borough") is subject to the Acts relating to municipal corporations and under the government of the mayor aldermen and burgesses of the borough (herein-after called "the Corporation") acting by the council: 40 & 41 Vict.
c. ccxxi.

And whereas by the Southampton Street Tramways Act 1877 (herein-after called "the Act of 1877") the Southampton Tramways Company were incorporated and under the powers of that Act have constructed certain tramways within the borough:

And whereas it was by section 48 of the Act of 1877 provided as follows:—

"In case the Corporation shall at any time after eleven years from the completion of any portion of the tramways within the borough of Southampton but not later than twenty-one years after the passing of this Act desire to purchase the tramways by this Act authorised to be constructed within the borough of Southampton and the works materials and equipment connected therewith and any lands or buildings acquired for the purposes of such tramways exclusively and shall apply to Parliament for powers so to do and to enable the company to sell the same the company shall not object to or oppose such application and shall assent thereto and do all things necessary and render all needful facilities for obtaining such powers and in the event of such powers being obtained shall accordingly sell the said tramways and premises to the Corporation and the terms of every such purchase shall failing agreement between the Corporation

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and the company be determined by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 for the settlement by arbitration of questions of disputed compensation” :

51 & 52 Vict.
c. lxxv.

And whereas by the Southampton Tramways (Extensions) Act 1888 (in this Act called “the Act of 1888”) the company were authorised to abandon and remove certain portions of their said tramways and to construct other tramways in lieu of the portions so abandoned and removed and it was by the Act of 1888 enacted (section 7) that in the event of the Corporation purchasing the tramways authorised by the Act of 1877 the tramways authorised by the Act of 1888 should be deemed to be part of the tramways authorised by the Act of 1877 and should be purchased by the Corporation accordingly :

And whereas all the tramways constructed by the company under the provisions of the Act of 1877 and the Act of 1888 are within the borough :

And whereas it is expedient that the undertaking of the company as herein-after defined should be acquired by the Corporation and that they should be empowered to run carriages thereon and to demand and take tolls and charges in respect of the use of such carriages and to use mechanical and electric power on the said tramways :

And whereas it is expedient that the Corporation should be authorised to borrow money for the purposes of this Act :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the ninth day of December one thousand eight hundred and ninety-six after ten clear days’ notice by public advertisement of such meeting and of the purpose thereof in the Southampton Times and Hampshire Express a newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the borough :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a

similar notice on the thirteenth day of January one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill for this Act in Parliament: A.D. 1897.

And whereas the owners and ratepayers of the borough by resolution in the manner provided by Schedule III. to the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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 as the Southampton Corporation Short title. Tramways Act 1897.

2. In this Act unless the subject or context otherwise require— Interpreta-
tion.
Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings;

“The borough” means the county borough of Southampton;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The council” means the town council of the borough;

“The town clerk” means the town clerk of the borough;

“The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough;

“The Company's Acts” means the Act of 1877 and the Act of 1888;

“The undertaking of the company” means the undertaking works lands easements plant fixed and movable stock-in-trade buildings equipment rights powers privileges and authorities of the company including the right to demand and take and recover tolls rents and charges;

“Mechanical power” includes steam electric and every other motive power not being animal power;

“Tramway revenue” means and includes all moneys received by the Corporation for or in relation to their tramway undertaking other than borrowed moneys and other moneys which ought to be carried to capital account.

3.—(1) The Corporation shall purchase and the company shall sell the undertaking of the company for such price (being a sum in gross) and upon such terms and conditions as may be agreed on Power to
acquire
undertaking
of the com-
pany.

A.D. 1897. — between the Corporation and the company or as failing agreement may be settled by arbitration under and according to the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and those provisions shall be deemed to be incorporated with this Act and in construing those provisions for the purposes of this Act the word "lands" shall mean the undertaking of the company and "the promoters of the undertaking" shall mean the Corporation.

(2) The purchase shall be completed on or before the thirtieth day of June one thousand eight hundred and ninety-eight (herein-after called "the transfer day") up to which date the company shall be entitled to their net revenue after payment of all charges and outgoings and from and after that date the Corporation shall be entitled to all receipts of the undertaking and pay all outgoings :

Provided that if the price of the undertaking shall not be paid to the company on the transfer day the Corporation shall in addition thereto pay to the company interest on such price at the rate of five per centum per annum from the transfer day until the payment to the company of such price.

Transfer of
undertaking.

4. The undertaking of the company shall by virtue of this Act become and shall on and as from the transfer day be transferred to and vested in the Corporation subject and according to the provisions of this Act and free as between the company and the Corporation from the mortgage debt of the company and all current debts and pecuniary liabilities of the company at the transfer day and from that day the Corporation shall hold the undertaking subject to and shall take over perform and satisfy all duties contracts engagements obligations and liabilities of the company in relation to the undertaking transferred other than and except the debts and liabilities aforesaid which shall be discharged by the company in accordance with the provisions of this Act and the Corporation shall indemnify and hold harmless the company against all actions suits claims or demands whatsoever in respect of the duties contracts engagements obligations and liabilities so taken over by them.

Application
of Company's
Acts to the
corporation.

5. From and after the transfer day all the powers rights privileges and authorities of the company under the Company's Acts shall be by virtue and subject to the provisions of this Act transferred to and vested in the Corporation subject nevertheless and according to the following exceptions and provisions (namely) :—

(1) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Acts 1863 and 1869

incorporated with the Company's Acts shall not apply to the Corporation ; A.D. 1897.

- (2) None of the provisions of the Company's Acts or of any Acts incorporated therewith in any manner relating to the share or loan capital or mortgages of the company or to the accounts of the company or to the incorporation constitution meetings or directors of the company shall apply to the Corporation and the provisions so excepted shall continue to apply to the company :

The Company's Acts shall subject to the aforesaid exceptions be read and have effect as if the Corporation had been named therein instead of the company and in construing the provisions of the Acts incorporated with the Company's Acts the expressions "the undertakers" and "the promoters of the undertaking" shall include the Corporation.

6. Until the transfer day all byelaws and regulations made by the company and in force at the passing of this Act shall continue in force and from and after the transfer day the Corporation shall have full power to repeal alter and amend all or any of the said byelaws and regulations and to make fresh byelaws and regulations for all or any of the purposes mentioned and in accordance with the provisions contained in section 46 of the Tramways Act 1870 Section 47 (Penalties may be imposed in byelaws) of the Tramways Act 1870 shall extend and apply to any byelaw made under the powers of this section. Regulations of company continued.

7. Except as is by this Act otherwise specially provided all purchases sales conveyances deeds contracts bonds and agreements entered into or made and in force at the transfer day shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto and the company shall be by this Act freed and discharged from all liability thereunder or in respect thereof : Contracts of company to be binding on Corporation.

Provided that as between the company and the Corporation the provisions of this section shall not be construed to relieve the company from any payment or liability which is to be made or discharged by the company under the section of this Act the marginal note whereof is "Transfer of undertaking."

8. With respect to the transfer of the undertaking of the company the following provisions shall have effect (that is to say) :— Provisions incidental to the transfer.

- (1) Until the transfer day the company may exercise all their powers under the Company's Acts and the company shall carry

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on their business as heretofore at their own expense and risk and shall maintain and keep in good repair (reasonable wear and tear excepted) the whole of their undertaking but the company shall not expend or enter into any contract or engagement involving the expenditure of any money on capital account or for extraordinary repairs without the previous consent of the Corporation in writing under the hand of the town clerk and the Corporation shall at the transfer day pay to the company all money expended with such consent :

(2) The company shall give to the Corporation and to their officers and servants all such information as may be reasonably required by them respectively with reference to the working of the undertaking and the business of the company.

Receipt for
purchase
money.

9. The receipt in writing of two of the directors of the company for any money so to be paid by the Corporation to the company shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Application
of price or
considera-
tion.

10.—(1) The moneys received as the price or consideration for the sale of the undertaking of the company shall be applied in the manner and order following (that is to say) :—

First In the payment of all costs and expenses of the company of and incident to the sale including any costs and expenses payable by the company of and incident to any arbitration action or proceedings in connexion with the determination of such price or consideration ;

Secondly In the redemption or payment off of the mortgage debt of the company and bonus as herein-after provided and in discharge of any interest due on such mortgage debt at the date fixed for such redemption or payment off ;

Thirdly In the discharge of all other debts and pecuniary liabilities of the company ; and

Fourthly The balance shall be applied to any purposes of the company to which capital is properly applicable or in the discretion of the company shall as to the whole or any part thereof be paid or distributed amongst (a) the holders of preference shares and (b) the holders of ordinary shares in the company rateably in proportion to the amounts for the time being paid up on their shares respectively :

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Provided that the company may apply the said price or consideration to any of the purposes thirdly and fourthly above mentioned notwithstanding that the mortgage debt be not redeemed or paid off if they have set aside a sum sufficient to redeem or pay off such debt at par with interest thereon until the first day of July one thousand eight hundred and ninety-nine or such prior date as may be fixed for such redemption or payment off together with any bonus which may be payable as herein-after provided.

(2) Unless a resolution to wind up the company be passed within six months after the payment to the company of the price or consideration for the sale of the undertaking any payments made to the shareholders as aforesaid shall be in reduction of the amounts paid up on the shares held by them and the shares shall thereupon be treated as if the capital of the company had originally been divided into shares of the nominal amount to which by such payment as aforesaid they are reduced and when any such payment to the shareholders is made the certificates of the shares so reduced shall be delivered up to the company and endorsed with notice of the amount to which the nominal amount of such shares has been reduced under the provisions of this section and no shareholder shall be entitled to payment of any money under this section until he shall have delivered up to the company to be endorsed the certificate or certificates of the share or shares held by him.

(3) The following provisions with respect to the redemption or payment off of the mortgage debt of the company at a date prior to the first day of July one thousand eight hundred and ninety-nine shall have effect (that is to say):—

(A) The company if they desire to redeem such mortgage debt prior to the first day of July one thousand eight hundred and ninety-nine shall give to each registered holder of a mortgage notice in writing stating the intention of the company to redeem the same prior to that date and stating the date (not being less than six months from the service of the notice) upon which the mortgages are to be presented at the principal office of the company for payment and upon or within two days after presentation of a mortgage in accordance with such notice the principal money represented thereby with interest thereon to the date mentioned in such notice shall be paid and in addition there shall be paid a bonus or premium equal to one half per centum per annum for the period between the date of payment

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and the first day of July one thousand eight hundred and ninety-nine;

- (B) As from the date fixed by the notice for redemption all mortgages of the company shall cease to bear interest unless within two days after presentation in accordance with the notice payment of the principal money secured thereby with interest to such date and bonus or premium be refused;
- (C) Every such notice may be served by post in a registered letter addressed to the holder or holders of a mortgage at his or their registered address or respective addresses and shall be deemed to have been served during the day next following the day of posting;
- (D) The company shall not after the service of a notice as aforesaid be bound to register the transfer of any mortgage unless satisfied that the transferee has knowledge of the intention to redeem the same on the date fixed by the notice;
- (E) Every mortgage so redeemed shall be delivered up to the company and be cancelled.

Winding up
of company.

11. The company may be wound up in the manner and with the same incidents as if the company were a company registered under the Companies Acts 1862 to 1893 and shall from and after the passing of this Act for that purpose be deemed to be so registered in England accordingly and for the purposes of calling and holding meetings and passing resolutions and other matters incident to such winding up the resolutions passed at meetings of the company convened and held in pursuance of the provisions contained in the Companies Acts and the Acts incorporated therewith may and shall have effect as resolutions of a company duly registered under the Companies Acts 1862 to 1893.

Power to
Corporation
to work
tramways.

12.—(1) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place or run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks motor cars harness engines dynamos machinery apparatus horses steam cable electric and other plant poles posts cantilevers appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and may sell exchange or dispose of such of the before-mentioned articles and things as from time to time may no longer be required and may in accordance with the provisions of the Tramways Act

1870 by lease demise the right of user of the tramways and of demanding and taking tolls and charges in respect of the tramways as if the same had been purchased under the provisions of that Act. A D. 1897.

(2) The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

(3) Subject as aforesaid the provisions for the time being in force with respect to the working of the said tramways and the taking of tolls rates and charges therefor shall extend and apply to the tramways for the time being so worked by the Corporation and to the Corporation in relation thereto.

(4) Nothing in this Act shall empower the Corporation to construct any station for generating electric power nor to create or permit a nuisance.

13. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):— Byelaws.

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

For regulating the emission of smoke or steam from engines used on the tramways ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places in the carriages and elsewhere.

14. Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings. Penalty for
breach of
byelaws.

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Recovery of
penalties.

15. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

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

16. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines and carriages are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.

Authentica-
tion of bye-
laws.

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

Provisions
as to motive
power.

18. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say) :—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :
- (2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electric power :
- (3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :
- (4) The Board of Trade if they are of opinion—
 - (A) That the Corporation or any company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public may by order either direct the Corporation or such other company or person as aforesaid to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

19. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :—

Special provisions as to the use of electric power.

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious

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interference therewith and with the currents therein by or from other electric currents :

- (5) If any difference arises between the Corporation and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (7) The expression " Corporation " in this section shall include lessees and any person owning working or running carriages over any tramway of the Corporation.

Provisions
for protec-
tion of the
Postmaster-
General.

20. In the event of any of the tramways of the Corporation being worked by electric power the following provisions shall have effect :—

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

lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

- (3) (A) Before any electric line is laid down or any act or work for working the tramways by electric power is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight or less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;
- (B) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration :
- (4) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of

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such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :

(11) The expression "the Corporation" in this section includes their lessees and any persons owning working or running carriages on any of the tramways of the Corporation.

Conveyance
of mails by
Corporation.

21. The Conveyance of Mails Act 1893 shall extend and apply to the tramways as if they had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three.

Fares on
Sundays or
public holi-
days not to
be raised.

22. It shall not be lawful for the Corporation or any person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary working days.

Power to
acquire land
by agree-
ment and to
erect build-
ings stables
&c.

23. The Corporation may for the purposes of the tramways acquire by agreement or take on lease any quantity of land not exceeding in the whole at any one time five acres and may hold the same and they may erect and maintain thereon stables car-sheds

and other buildings appliances and conveniences in connexion with any of their tramways worked by animal or mechanical power. A.D. 1897. ---

24. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements &c. by agreement.

25. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

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

26. The Corporation may from time to time (in addition to any other moneys they are now authorised to borrow under any other Act passed in this or any previous session of Parliament or under the order or sanction of any public department of the State) borrow at interest on the security of the tramway revenue and the borough fund and borough rate and for the following purposes the following sums not exceeding in the whole ninety-nine thousand pounds (that is to say):— Power to borrow.

For the purpose of paying the costs of this Act as herein-after defined the sum requisite for that purpose ;

For the purpose of acquiring the undertaking of the company such sum as shall be equal to the amounts to be paid by the Corporation to the company under the provisions of this Act ;

For the general purposes of their tramway undertaking any sum not exceeding thirty thousand pounds :

A.D. 1897. — Provided always that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned.

Provisions
as to mort-
gages.

27. The following sections of the Public Health Act 1875 shall extend and apply *mutatis mutandis* to and in relation to all mortgages made under the powers of this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages); and

Section 239 (Receiver may be appointed in certain cases).

Certain pro-
visions of
Act of 1885
extended to
this Act.

28. Part IV. (Finance) of the Southampton Corporation Act 1885 as amended by the Southampton Order 1894 shall subject to the provisions of this Act extend and apply *mutatis mutandis* to and in relation to all moneys borrowed under the powers of this Act by the creation and issue of Corporation stock:

Provided that the Stamp Act 1891 shall be substituted for section 53 of the Inland Revenue Act 1880 in subdivision A of the Fourth Schedule of the said Act of 1885.

Power to
issue stock
at lower
rate of divi-
dend.

29.—(1) Notwithstanding anything contained in section 39 of the Southampton Corporation Act 1885 the Corporation may from time to time exercise any statutory borrowing power by the creation and issue under the powers of the said Act of a new class of redeemable stock to be designated "Southampton Corporation New Redeemable Stock" at such price (not being lower than ninety-five pounds per centum) and bearing such dividend (not exceeding three pounds per centum per annum) as the Corporation may by the resolution for such issue determine. Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock bearing the same rate of dividend and shall become redeemable as herein-after provided after the expiration of the same period from the first creation of such stock.

(2) After the expiration of such a period from the creation of the said stock as the Corporation shall by the resolution creating the same declare the stock shall be redeemable at par at the option of the Corporation and the whole of the stock shall be redeemed or purchased and extinguished within such a period (not exceeding sixty years) from the first creation of the stock as the Corporation shall by such resolution declare.

(3) All stock created by virtue of this section shall be charged in the same manner as and shall rank *pari passu* with stock issued under the provisions of the said Act except so far as those provisions are expressly altered by this Act. A.D. 1897. —

30. The Corporation shall pay off all moneys borrowed by them under the powers of this Act within the following periods (that is to say):— Repayment
of borrowed
moneys.

As regards money borrowed to defray the costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto within any period not exceeding five years from the time of the borrowing thereof;

As regards money borrowed for all other purposes within any period not exceeding thirty years from the time of the borrowing thereof:

And such repayments shall be made either—

By equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund:

The sinking fund shall be formed by setting apart in every year out of the tramway revenue or the borough fund and borough rate such equal annual sums as will with the accumulations thereof at compound interest (at a rate not exceeding three pounds per centum per annum) be sufficient after payment of all expenses to pay off the moneys borrowed (so far as they are repayable by means of a sinking fund) within the periods by this Act prescribed in relation thereto:

The first payment by instalments or to a sinking fund for repayment of borrowed moneys shall be made on the thirty-first day of March next following the date of the borrowing of the money in respect of which such payment is to be made:

The sums to be annually appropriated and set apart to the sinking fund exclusive of accumulations shall be equal throughout the whole period allowed for repayment:

The Corporation may at any time apply the whole or part of the sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which the sinking fund is set apart. Provided as follows:—

That in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed

A.D. 1897.

until the whole of such borrowed moneys are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate per centum on which the payment to the sinking fund is based ;

That whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be so paid thereto.

Power to
re-borrow.

31. If the Corporation pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Proceeds of
sale of sur-
plus lands.

32. The Corporation shall apply all moneys received from the sale of lands under the powers of this Act in extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board.

Sinking
fund may be
adjusted in
certain
events.

33. If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Power to
borrow under
Local

34. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers

and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Corporation in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act and the provisions of this Act with respect to the sinking fund shall apply to the repayment of moneys so borrowed in lieu of the provisions of section 15 of that Act.

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Loans Act
1875.

35. All sums paid into the sinking fund and the annual income thereof shall be accumulated at compound interest and shall be as soon as may be invested in statutory securities as defined in the Southampton Corporation Act 1885 as amended by the Southampton Order 1894.

Sinking fund
how to be
invested.

36. A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Protection
of lenders
from inquiry.

37. All mortgages granted by the Corporation subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act.

Priority of
existing
mortgages.

38. The Corporation shall keep accounts in respect of their tramway undertaking separate from all their other accounts and shall apply all tramway revenue as follows (that is to say):--

Application
of revenue.

First In payment of their costs charges and expenses of and incidental to the collecting and recovering of tramway revenue and of the borrowing of money under this Act;

Secondly In payment of the working and establishment expenses and cost of maintenance of their tramway undertaking;

Thirdly In providing the moneys required to pay the interest on moneys borrowed by them under this Act for their tramway undertaking;

Fourthly In providing the requisite instalments or sinking funds under this Act or otherwise making provision for repayment of the moneys borrowed under this Act;

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—

Fifthly In providing a reserve fund for their tramway undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in or upon any securities in or upon which the Corporation are or may be authorised to invest their sinking fund and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their tramway undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or to the improving and extending thereof and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens :

And the Corporation shall carry to the borough fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their tramway undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when amounting to five thousand pounds :

The accounts of the Corporation kept in accordance with the provisions of this section shall be audited with the same incidents and consequences as the accounts of the Corporation are audited under the provisions of the Municipal Corporations Act 1882.

As to
deficiency in
receipts.

39. Any deficiency in the revenues and receipts of the Corporation on account of their tramway undertaking shall be from time to time made good out of the borough rate in such manner as the Corporation may from time to time determine.

Application
of money
borrowed.

40. All money borrowed under this Act shall be applied for the purposes of this Act only for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise.

Annual
return to
Local Government
Board with
respect to
sinking fund.

41. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such

A.D. 1897.

return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that sinking fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court:

The provisions of this section shall extend and apply *mutatis mutandis* to appropriations and to annual repayments.

42. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of moneys to be borrowed for the purpose under the provisions of this Act. Costs of Act.

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