CHAPTER ccliii.

An Act for authorising the construction of Street Tramways in certain parts of Bradford in the west riding of the county of York, and the neighbourhood thereof; and for other purposes. [5th August 1873.]

A.D. 1873.

WHEREAS the laying down in certain roads in the borough and parish of Bradford in the west riding of the county of York, and in the neighbourhood thereof, of tramways to be worked by animal power only, and constructed so as not to impede or injure the ordinary traffic of the roads, would be of public and local advantage:

And whereas it is expedient that the persons herein-after named, with others, should be incorporated into a Company, and should be empowered to lay down, maintain, use, and work the several street tramways by this Act authorised:

And whereas plans and sections of the proposed tramways, showing the lines and levels thereof and the lands which may be taken for the purposes of this Act, and also books of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerk of the peace for the west riding of the county of York, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

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

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

1. This Act may be cited as "The Bradford Tramways Act, 1873." **Short title.**

A.D. 1873.

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) of "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," except the provisions of "The Lands Clauses Consolidation Act, 1845,"

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;

With respect to small portions of intersected lands,

are, except where expressly varied by this Act, incorporated with this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the tramway" or "the undertaking" means the tramways and the undertaking by this Act authorised; the expression "the corporation" means the mayor, aldermen, and burgesses of the borough of Bradford; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute; and 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.

Company incorporated.

4. John Faint Easby, Joseph Speight, William Turton, George Newby, John Saunders Muir, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, or assigns respectively, shall be united into a Company for the purpose of making and maintaining the tramways and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Bradford Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

A.D. 1873.

Power to make tramways according to deposited plans.

5. 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, in the line and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, the tramways hereinafter described, with all proper rails, plates, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The tramways herein-before referred to and authorised by this Act are :—

A tramway, No. 1 (single line), four miles three furlongs four chains and eleven yards in length, commencing at the junction of Charles Street with Leeds Road, passing along or across Leeds Road, Hall Ings, Bridge Street, Market Street, and the open space in front of the Town Hall, Tyrrel Street, and Thornton Road, and terminating in the Bradford and Thornton Road at Thornton, thirty-four feet or thereabouts north-west of the north-east corner of the Friendly Inn beer-house :

A tramway, No. 1a (single line), sixteen and a half yards in length, commencing in Leeds Road by a junction with Tramway No. 1b seventy feet or thereabouts from the north-east corner of Drake Street where it joins Leeds Road, and terminating in Leeds Road twenty-three feet or thereabouts from the same corner :

A tramway, No. 1b (single line), one furlong seven chains and eleven yards in length, commencing at the junction of Charles Street with Leeds Road, passing along or across Leeds Road, Hall Ings, Bridge Street, the open space in front of the Town Hall, and Market Street, and terminating in Market Street one hundred and five feet or thereabouts east of the north-east corner of the public-house known as the New Inn :

Tramways Nos. 1 and 1b will throughout the length of Tramway No. 1b form a double line :

A tramway, No. 1c (single line), in Thornton Road, one chain and eleven yards in length, commencing and terminating by junctions with Tramway No. 1, the point of commencement being one hundred and seventy-five feet or thereabouts, and the point of termination being eighty feet or thereabouts, south-east of the south-west corner of the public-house known as the Black Swan Inn :

A tramway, No. 1e (single line), in Thornton Road, four furlongs two chains and two and a quarter yards in length, commencing and terminating by junctions with Tramway No. 1, the point of commencement being one hundred and seventy-five feet or

A.D. 1873.

thereabouts east of the north-west corner of Rosse Street, and the point of termination being one hundred and three feet or thereabouts west of the north-east corner of the Craven Heifer Inn:

Tramways Nos. 1 and 1e will throughout the length of Tramway No. 1e form a double line:

A tramway, No. 1n (single line), in the Bradford and Thornton Road at Thornton, one chain and eleven yards in length, commencing by a junction with Tramway No. 1 seventy-five feet or thereabouts east of the north-east corner of the Friendly Inn beer-house, and terminating thirty-eight feet or thereabouts north-west of the same point:

Tramways No. 1 and 1n will for the whole length of Tramway No. 1n form a double line:

Tramways or passing places No. 1d in Thornton Road, and Nos. 1f, 1g, 1h, 1i, 1j, 1k, 1l, and 1m in the Bradford and Thornton Road, being respectively two chains in length, respectively commencing and terminating by junctions with Tramway No. 1:

A tramway, No. 2 (single line), one mile six furlongs five chains and sixteen and a half yards in length, commencing in Market Street by a junction with Tramway No. 1 at a point forty-seven feet west of the north-west corner of the Town Hall, and passing along Market Street, Tyrrel Street, and into and along Manchester Road, and terminating at a point opposite the south-west corner of the Red Lion Inn at Wibsey Bank, and fifty-four feet or thereabouts from and to the westward thereof:

A tramway, No. 2a (single line), nine chains and six yards and two thirds in length, commencing in Market Street by a junction with Tramway No. 1b at a point fifty-five feet or thereabouts west of the north-west corner of the Town Hall, and passing along Market Street and Tyrrel Street, and into and along Manchester Road, and terminating by a junction with Tramway No. 2 at a point in Manchester Road seventy-seven feet or thereabouts north of the south-west corner of the public-house known as the Odd Fellows' Arms:

Tramways Nos. 2 and 2a will throughout the length of Tramway No. 2a form a double line:

Tramways or passing places Nos. 2b, 2c, 2d, 2e, and 2f in Manchester Road, being respectively two chains in length, respectively commencing and terminating by junctions with Tramway No. 2:

A tramway, No. 2g (single line), in Manchester Road, one chain

and eighteen yards in length, commencing by a junction with Tramway No. 2 at a point one hundred and twenty-seven feet or thereabouts north-west of the south-west corner of the Red Lion Inn at Wibsey Bank Foot, and terminating at a point opposite to and forty-eight feet from and west of the south-west corner of the Red Lion Inn:

Tramways Nos. 2 and 2g will throughout the length of Tramway No. 2g form a double line:

A tramway, No. 4 (single line), three miles one furlong nine chains and ten yards in length, commencing in North Parade, where it joins Northgate, twenty-eight feet south-east of the south-west corner of North Parade, and passing thence along North Parade, Manningham Lane, and the Bradford and Keighley Road, and terminating in the Bradford and Keighley Road at a point opposite the north-east corner of the Rosse Hotel, and thirty-seven feet or thereabouts from and to the north thereof:

A tramway, No. 4a (single line), in North Parade, one chain eleven yards in length, commencing thirty-six feet from and south-east of the south-west corner of North Parade at its junction with North Gate, and terminating forty-five feet from and south-west of the south-west corner of the Blind Institute:

Tramways No. 4 and 4a will throughout the length of Tramway No. 4a form a double line:

A tramway or passing place, No. 4b, in North Parade, two chains and twenty yards in length, commencing and terminating by junctions with Tramway No. 4:

Tramways or passing places, No. 4c and No. 4d, in Manningham Lane, being respectively two chains in length, respectively commencing and terminating by junctions with Tramway No. 4:

A tramway or passing place, No. 4e, in Manningham Lane, three chains in length, commencing and terminating by junctions with Tramway No. 4:

Tramways or passing places Nos. 4f, 4g, 4h, 4i, 4j, 4k, in the Bradford and Keighley Road, being respectively one chain and eleven yards in length, and respectively commencing and terminating by junctions with Tramway No. 4:

A tramway, No. 4l (single line), one furlong three chains and fourteen and a half yards in length, commencing by a junction with Tramway No. 4, two hundred and thirty feet from and south-east of the south-east corner of Victoria Road, and terminating opposite to and north of the north-east corner of the Rosse Hotel, and forty-five feet therefrom:

A.D. 1873.

Tramways Nos. 4 and 41 will throughout the length of Tramway No. 41 form a double line:

All which tramways will be wholly made or situate in the townships of Bradford, Manningham, Allerton, Thornton, Horton, Bowling, Heaton, and Shipley, in the parish of Bradford in the west riding of the county of York.

Provided that it shall not be lawful for the Company to commence any work or to make or open any tramway in the borough of Bradford without the previous consent in writing of the corporation under their common seal.

Mode of formation of tramways.

6. Every tramway to be made, formed, or laid down under this Act shall be constructed with two grooved rails, and be laid and maintained in such manner that the uppermost surface of the rail shall be laid on a level with the surface of the road.

As to correction of errors in deposited plan and book of reference by justices, who shall certify the same.

7. If there be any omission, misstatement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands shown on the deposited plan, or specified in the deposited book of reference, the Company, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to two justices acting for the west riding of the county of York for the correction thereof, and if it appear to the justices that the omission, misstatement, or wrong description arose from mistake they shall certify the same accordingly, and they shall in their certificate state the particulars of the omission, and in what respect any such matter is misstated or wrongly described; and such certificate shall be deposited with the clerk of the peace for the west riding of the county of York, and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the land affected thereby shall be situate, and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate, and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Certificate to be deposited.

Inspection by Board of Trade.

8. Any tramway authorised by this Act shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways to be always kept on level with surface of roads.

9. 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 tramway is laid, the Company may and shall from time to time alter or (as the case may be) lay their rails so that

the uppermost surface thereof shall be on a level with the surface of the road as altered.

Penalty for not maintaining rails and road in good condition.

10. 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 tramway 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 twenty-eight 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 fifty-six of the said Act.

Sewer authority to have access to sewers.

11. Every sewer authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Company, and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Company may be required to use improved form of rail.

12. The Board of Trade may from time to time, upon the application of the corporation or other local authority, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Company shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

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

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

Power to make additional crossings, &c.

14. The Company may, subject to the provisions of this Act, with the consent of the corporation or other local authority, from time to time make, maintain, alter, and remove such crossings, passing places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramways, or for providing access to any warehouses, stables, or carriage-houses

A.D. 1873.

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 the said rail 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.

Application of road materials excavated in construction of works.

15. Any paving, metalling, or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of "The Tramways Act, 1870," required to maintain; and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice duly given, such surplus is not removed by the said 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.

Land by agreement.

16. The Company may from time to time purchase and acquire (by agreement) such land as they may require for their undertaking, not exceeding in the whole five acres.

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

17. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of four thousand two hundred pounds, being five per centum upon the amount of the estimate in respect of the tramways originally proposed to be authorised by the Bill for this Act, has been deposited with the Paymaster General on behalf of the Court of Chancery in England in respect of the application to Parliament for this Act: And whereas certain of the tramways originally proposed are not now authorised, and the amount

of the estimate of the expense of the undertaking is sixty thousand pounds: Be it enacted, that, notwithstanding anything contained in the said Act, the sum of three thousand pounds, portion of the said sum of four thousand two hundred pounds so deposited as aforesaid in respect of the application for this Act, shall not be paid or transferred to or on application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramway, either open the tramway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the tramway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of three thousand pounds, portion of the said sum of four thousand two hundred pounds deposited as aforesaid, shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding. A.D. 1873

Providing for application of deposit.

18. The said sum of three thousand pounds, portion of the said sum of four thousand two hundred pounds deposited 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 tramway, or any portion thereof, and for which no compensation or inadequate compensation shall have been paid, and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith, placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of three thousand pounds shall have been found sufficient to satisfy

A.D. 1873.

all just claims in respect of such compensation, then the said sum of three thousand pounds, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the 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 to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of three thousand pounds shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Court of Chancery may order repayment of surplus of deposit money.

19. The Court of Chancery may and shall at any time after the passing of this Act, on the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of the reign of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the majority of such persons or survivors, by petition in a summary way, order that the sum of one thousand two hundred pounds, being the residue of the deposited sum of four thousand two hundred pounds and the interest or dividends thereon, may be paid or transferred to the persons or person so applying, or to any other person or persons whom they or he may appoint in that behalf.

Capital and number and amount of shares.

20. The capital of the Company shall be one hundred thousand pounds, in ten thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

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

Calls.

22. One fifth of the amount of a share shall be the greatest amount of a call, and two months at the 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.

Power to divide shares.

23. Subject to the provision of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

24. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

25. Each preferred half share shall be entitled, out of the profits of each year, to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

26. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that

A.D. 1873.

the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

27. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each half share.

Forfeiture of preferred shares.

28. The provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled, &c.

29. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

30. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person, shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Receipts on behalf of incapacitated persons.

31. 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 on mortgage.

32. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty-five thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such

persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

33. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than one tenth part of the sum for the time being borrowed by the Company.

Moneys borrowed on mortgage to have priority.

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

Debenture stock.

35. The Company shall not create debenture stock.

Mortgages to comprise purchase money paid on compulsory sale.

36. 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 a contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by the local authority.

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

Application of moneys.

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

A.D. 1873.

First ordinary meeting.

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

Number of directors.

40. The number of the directors shall be five.

Qualification of directors.

41. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum.

42. The quorum of a meeting of directors shall be three.

First directors.

43. John Faint Easby, Joseph Speight, William Turton, and George Newby, and one person to be nominated by them, or the majority of them, and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for completion of works.

44. 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.

Tolls for passengers.

45. The Company may demand and take for every passenger travelling upon the tramway, or any part or parts thereof, including tolls for the use of the tramways, and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile), but the Company may charge for any less distance than three miles any sum not exceeding threepence.

Passengers luggage.

46. Every passenger travelling upon the tramways may take with him his personal luggage, not exceed twenty-eight pounds in weight, without any charge being made for the carriage thereof.

A.D. 1873.

As to goods.

47. The Company may demand and take in respect of any animals, goods, materials, articles, or things conveyed by them on the tramway, including the tolls for the use of the tramway, and for waggons, trucks, and motive power, and every other expense incidental to the conveyance, any tolls or charges not exceeding the rates following:

Animals.

For every horse, mule, or other beast of draught or burden, sixpence per head per mile:

For every ox, cow, bull, or head of cattle, fourpence per head per mile:

For calves, pigs, sheep, and small animals, twopence per head per mile.

Goods.

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, twopence per ton per mile:

For all iron, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, threepence per ton per mile:

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, fourpence per ton per mile:

For cotton, wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things not otherwise specially classed therein, fivepence per ton per mile:

For every carriage, of whatever description, sixpence per mile.

Small Packages.

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

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

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, ninepence:

A.D. 1873.

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, such sum as the Company may think fit:

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

For the carriage of single articles of great weight:—

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, such sum as the Company may think fit, not exceeding eightpence per ton per mile:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall not exceed eight tons, such sum as the Company may thinkfit.

Regulations as to Tolls.

For the fraction of a ton the Company may demand tolls according to the number of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton:

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Company not bound to carry goods.

48. The Company shall not be bound, unless they think fit, to carry passengers luggage exceeding the weight in this Act in that behalf mentioned, nor any parcel, goods, or other article or thing.

Tolls to be paid as directed by the Company.

49. The tolls and charges by this Act authorised shall be paid to such persons, and at such places upon or near to the tramways, and in such manner and under such regulations as the Company shall by notice to be annexed to the list of tolls appoint.

Heavy traffic confined to certain hours.

50. No goods, animals, articles, or things other than passengers and passengers luggage, and parcels not exceeding fifty-six pounds in weight, shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening, without the consent of the local authority and the road authority, nor shall any carriages, trucks, or waggons constructed for use upon railroads

be permitted to pass along the tramways between the same hours without such consent. A.D. 1873.

Cheap fares for labouring classes.

51. The Company, at all times after the opening of the tramways for public traffic, shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient, for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Proof of byelaws.

52. The production of a written or printed copy of any byelaws made by the Company, under the authority of this Act, authenticated by the signature of the Secretary or Assistant Secretary of the Board of Trade, shall, without proof of the signature, be evidence of the existence of such byelaws, and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled, and in like manner any byelaws made by the corporation, under the authority of this Act, shall be deemed sufficiently proved by production of a copy thereof, certified as such under the hand of the mayor of Bradford for the time being.

Provisions for cesser of powers of Company.

53. Whereas the tramways by this Act authorised will for the most part be situate in the borough of Bradford: And whereas it is provided, section 5, that the Company shall not make or open any tramway in the said borough without the consent of the corporation: Be it therefore enacted, that if at the expiration of twelve months after the passing of this Act the corporation shall not have consented to the making of all the tramways hereby conditionally authorised to be made within the said borough, the following consequences shall ensue; viz.,

(1.) All the powers by this Act granted to the Company for executing the tramways, or otherwise in relation thereto, shall absolutely cease and determine:

(2.) The Court of Chancery may and shall, on the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of the reign of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the majority of such persons or survivors, by petition in a summary way, order that the said sum of three

A.D. 1873.

thousand pounds, being the residue of the deposited sum of four thousand two hundred pounds and the interest or dividends thereon, may be paid or transferred to the persons or person so applying, or to any other person or persons whom they or he may appoint in that behalf:

(3.) The affairs of the Company shall be wound up voluntarily or otherwise under the Companies Act, 1862, and the persons named in this Act as the first directors of the Company, or any two of them, shall have full power to apply to the Court of Chancery for this purpose.

Form and delivery of notices.

54. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect; namely,

1. Every notice shall be in writing or print, or partly in writing and partly in print, and if given by any road or local authority shall be sufficiently authenticated by being signed by their clerk or secretary:
2. Any notice to be delivered by or to the Company to or by any road authority or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office, and every such letter shall be deemed to be received by the authority, body, or company, or by the Company (as the case may be), on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Interest not to be paid out of capital.

55. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest or money advanced by him beyond the amount of the calls actually made as in conformity with "The Companies Clauses Consolidation Act, 1845."

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

56. 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 execute any other work or undertaking.

Tramway not exempt from pro-

57. Nothing herein contained shall be deemed or construed to exempt the tramway 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.

Provisions of present and future general Acts.

58. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses of Act.

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