CHAPTER cxxx.

An Act for making tramways in the county of Devon to be called "The Exeter Tramways" and for other purposes. A.D. 1881.

[18th July 1881.]

WHEREAS the construction of certain tramways in the city and county of the city of Exeter and the parishes of St. David's St. Sidwell St. Paul and Heavitree all in the county of Devon to be worked by animal power only would be of local and public advantage:

And whereas the persons herein-after named with others are willing at their own expense to construct and maintain the said tramways on being incorporated into a company for the purpose:

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

And whereas since the said plans and sections were deposited it has been found that an alteration of the line of the said proposed tramways by diverting part thereof would be less objectionable to the local and road authorities and an amended plan and section of such altered line and a book of reference to such plan have been deposited with the clerk of the peace:

And whereas the purposes 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 for all purposes as the Exeter Tramways Act 1881. Short title.

2. The Companies Clauses Consolidation Act 1845 Part I (relating to cancellation and surrender of shares) of the Companies Incorporation of general Acts.

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Clauses Act 1863 as amended by the Companies Clauses Act 1869 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) and section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870 so far as the same are applicable to and not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act and shall apply to the undertaking of the Company.

8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
33 & 34 Vict. c. 78.

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 expressions "the tramways" and "the undertaking" mean respectively the tramways and works and undertaking by this Act authorised the expression "the corporation" shall mean the mayor aldermen and citizens of the city of Exeter and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute 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 section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company.

Company incorporated.

4. Thomas Maude Roxby Frederick Albert Pullen Henry Edward Warren and Ernest George Fellowe and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby 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 Exeter 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.

Power to make tramways.

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 the tramways herein-after described not according to the deposited plans and sections but in all respects in accordance with the amended plans and sections signed by the Right Honourable Lyon Playfair the Chairman of the Committee of the House of Commons to whom the Bill for the Act was referred in its progress through that House duplicates of which plans and sections have been deposited with the clerk of the peace for the county of Devon as aforesaid with all proper rails plates works and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are—

Tramway No. 4 five furlongs three chains and thirty links in length of which one furlong is double line and four furlongs three chains and thirty links is single line situate in East Gate Sidwell Street and Black Boy Road aforesaid commencing by a junction with Tramway No. 5A by this Act authorised at its termination in a line with the south-east corner of London Inn Square and terminating in a line with the north-west corner of Polsloe Road Tramway No. 4 will be a single line except at the following places where it will be a double line: Sidwell Street—For a distance of two chains commencing in a line with the north-west corner of Paris Street For a distance of two chains commencing three chains south of the north-west corner of Summerland Street For a distance of two chains commencing in a line with the north-west corner of Belmont Road Black Boy Road—For a distance of two chains commencing twelve chains west of the north-west corner of Polsloe Road For a distance of two chains commencing two chains west of the north-west corner of Polsloe Road.

Tramway No. 5 five furlongs nine chains in length of which one furlong and three chains will be double line and four furlongs and six chains will be single line situate in Station Road Saint David's Hill Hele's Road New North Road and Queen Street commencing at a point opposite the entrance to the booking office Saint David's Station and terminating in Queen Street at a point forty links west of the north-west corner of Paul Street.

Tramway No. 5 will be a single line except at the following places where it will be a double line: Station Road—for three chains from its commencement Saint David's Hill—for two chains commencing opposite the eastern fence of Station Road For a distance of two chains commencing five and a-half chains north of the north-west corner of Elmfield Road Saint David's Hill and Hele's Road—For a distance of two chains from a point in a line with the southern end of the lodge at the entrance to the vicarage New North Road—For a distance of two chains commencing one chain south-east of the Edinburgh Tree Queen

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Street—For a distance of two chains commencing five chains south-east of the north-east corner of Pound Road.

Tramway No. 5A three furlongs eight chains and twenty links in length of which one chain and fifty links will be double line and three furlongs six chains and seventy links will be single line situate in New North Road Longbrook Street London Inn Square and East Gate aforesaid commencing by a junction with Tramway No. 5 at a point two chains and sixty links north-west of the north-east corner of Pound Street and terminating in East Gate at the point of commencement of Tramway No. 4.

Tramway No. 5A will be a single line except at the following place where it will be a double line—New North Road for a distance of one chain and fifty links measuring in an easterly direction commencing opposite the west gate post of the entrance to the goods yard of the railway station in Queen Street.

Tramway No. 6 two furlongs eight chains and fifty links in length of which four chains will be double line and two furlongs four chains and fifty links single line situate in Heavitree Road aforesaid commencing by a junction with Tramway No. 6A in a line with the north-east corner of the road connecting Barnfield Road and Heavitree Road and terminating in a line with the south-west corner of Polsloe Road.

Tramway No. 6 will be a single line except at the following places where it will be a double line For a distance of two chains commencing three chains west of the entrance to the City Union Workhouse For a distance of two chains commencing five chains west of the south-west corner of Polsloe Road and terminating in a line with the south-west corner of Polsoe Road.

Tramway No. 6A three furlongs and forty links in length of which two chains will be double line and two furlongs eight chains and forty links single line situate in Sidwell Street Paris Street and Heavitree Road aforesaid commencing in Sidwell Street by a junction with Tramway No. 4 at a point in a line with the north-west corner of Paris Street and terminating by a junction with Tramway No. 6 at its commencement.

Tramway No 6A will be a single line except at the following place where it will be a double line—Paris Street for a distance of two chains measuring in an easterly direction commencing two chains east of the south-east corner of Spillers Street.

The herein-before described tramways will pass from through or into or be situated in the city and county of the city of Exeter and the parishes townships and extra-parochial places of Heavitree Saint Davids Saint Paul and Saint Sidwell or some of them all in the county of Devon.

Protection of owners and occupiers of London Inn.

6. It shall not be lawful for the Company to construct or lay down any part of Tramway No. 5A in the roadway on the east side of London Inn Square so that a greater distance than ten feet or a less distance than nine feet six inches shall intervene between the outside of the footway on the east side of that roadway and the nearest rail of the tramway or to take use or interfere with any part of the paved space in front of the London Inn without the previous consent in writing of the owners and occupiers of the said inn for the time being.

Deposit money not to be repaid until line opened.

7. 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 five hundred and twenty pounds Consolidated Three per Centum Annuities being equal to five per centum upon the amount of the estimate in respect of the tramway has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the tramway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramway so opened bears to the entire length of the tramway hereby authorised the Chancery Division shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

8. If the Company do not previously to the expiration of the period limited for the completion of the tramway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not

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have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramway or any portion thereof and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposi fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Gauge of tramways.

9. The tramways shall be constructed on a gauge of three feet and six inches Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage used on the tramways shall exceed five feet six inches in width.

Further provisions as to construction of tramways.

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

and renewing any of the tramways. lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the constructing laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

Amendment of section 28 of 33 & 34 Vict. c. 78.

11. The proviso in section 28 of the Tramways Act 1870 empowering the corporation if the Company fail to comply with the provisions of that section after seven days notice to the Company to do the works therein mentioned and recover the expenses thereof from the Company shall for the purposes of this Act be read as though forty-eight hours were therein substituted for seven days and that proviso as so altered shall for the purposes of this Act extend and apply to the works necessary for the repairs and maintenance in that section mentioned.

Mode of formation of tramways.

12. The rails of the tramways shall be on continuous iron bearings or sleepers ten inches in width at the base resting upon six inches of lime concrete and the groove shall not exceed three fourths of an inch in mean width and three-fourths of an inch in depth or they shall be of such other construction as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the corporation require the Company to adopt and apply such improvements in the tramway 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.

Inspection by Board of Trade.

13. The tramway 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 kept on level of surface of road.

14. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the 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.

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Penalty for not maintaining rails and road.

15. 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 which any of the tramways for the time being consist and the substructure upon which the same rest and if the Company at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section 56 of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made any such default as aforesaid the Board of Trade may if they think fit direct an inquiry by an officer to be appointed by the said Board such inquiry to be conducted in the manner provided by section 63 of the Tramways Act 1870 and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board the Company shall make good such default in the manner and within the time specified in such certificate and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed with respect to offences.

Sewer authority to have access to sewers.

16. The local or road 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 and pipes 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 local or road authority as if the same were a pipe for the supply of gas or water.

Additional crossings &c. may be made where necessary.

17. The Company may subject to the provisions of this Act with the consent of the road authority from time to time make maintain alter and remove such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage houses or works of the Company provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene

between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Temporary tramways may be made when necessary.

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

Application of road materials excavated in construction of works.

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

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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.

Caiptal.

20. The capital of the Company shall be twenty thousand pounds divided into two thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

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

Calls.

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

Receipt in case of persons not sui juris.

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

Power to borrow.

24. The Company may from time to time borrow on mortgage any sum not exceeding in the whole five thousand pounds but no part thereof shall be borrowed until the whole capital of twenty 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.

Appointment of a receiver.

25. 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 than five hundred pounds in the whole.

Mortgage to comprise purchase money paid on compulsory sale.

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

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

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

Priority of mortgages over other debts.

28. All moneys to be borrowed on mortgage under 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 Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages.

Company not to create debenture stock.

29. The Company shall not create debenture stock.

Application of moneys.

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

First ordinary meeting.

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

Numbers of directors.

32. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

33. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

34. The quorum of a meeting of directors shall be three and two if the number of directors shall be reduced to four or three.

First directors.

35. Thomas Maude Roxby Frederick Albert Pullen Henry Edward Warren and Ernest George Fellowe and one other 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

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Election of directors.

the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or 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 (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or 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.

36. 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.

Power to acquire land by agreement.

37. 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 one acre.

Power to take easements &c. by agreement.

38. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting 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.

Tolls for passengers.

39. 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 tramway and of carriages and for motive power and every other expenses incidental to such conveyance any tolls or charges not exceeding one penny per mile and in computing the said tolls and charges the fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than twopence.

Passengers luggage.

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

Cheap fares for labouring classes.

41. The Company at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage or more if required 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 such fares as may be from time to time fixed by the Board of Trade 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.

Company not to carry animals or goods.

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

Tolls for small parcels.

43. The Company may demand and take in respect of any materials articles or things in small parcels conveyed by them any tolls or charges not exceeding the rates following that is to say :—

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.

For any parcel or thing exceeding fifty-six pounds in weight such sum as the Company may think fit.

Payment of tolls.

44. 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 may by notice to be annexed to the lists of tolls appoint.

Periodical revision of tolls.

45. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty

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inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Special provisions in case of discontinuance of tramways or insolvency of Company.

46. In case of discontinuance of the tramways or insolvency of the Company and of any order by the Board of Trade under sections 41 or 42 of the Tramways Act 1870 it shall be lawful for the corporation if they think fit subject to and in accordance with the provisions of section 43 of the Tramways Act 1870 and within three months after any such order by the Board of Trade in lieu of exercising the powers conferred upon them by sections 41 and 42 of the Tramways Act 1870 to cause a valuation of the tramways and an estimate of the cost of the removal thereof and reinstatement of the roads to be made and upon payment by the corporation to the Company or other the person or persons for the time being entitled to give a legal discharge for the same of so much money as shall represent the excess of the said valuation over the said estimate such tramways shall vest in and become the absolute property of the corporation Provided that if any dispute shall arise between the Company and the corporation as to the amount of any such valuation or estimate the same shall be referred to and settled by a referee to be appointed by the Board of Trade in manner provided by section 33 of the Tramways Act 1870 Provided further that if the amount of such estimate shall in any case exceed the amount of such valuation it shall be lawful for the corporation to take possession of so much of the tramways as is within their district.

Form and delivery of notices.

47. 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 authority 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 on calls paid up.

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

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

49. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Provision as to general Tramway Acts.

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

Expenses of Act.

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

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