CHAPTER clxix.

An Act for enabling the Leeds Tramways Company to make additional Tramways; and for other purposes. A.D. 1877.

[2d August 1877.]

WHEREAS by "The Leeds Tramways Order, 1871," (in this Act called "the Order of 1871,") confirmed by "The Tramways Orders Confirmation Act, 1871," the promoters therein named were authorised to construct certain tramways in the parish of Leeds in the west riding of the county of York:

And whereas by "The Leeds Tramways Act, 1872," (in this Act called "the Act of 1872,") a Company (in this Act called "the Company") was incorporated for the purpose of acquiring the tramways and undertaking authorised by the Order of 1871:

And whereas the Company have acquired those tramways and undertaking, and, with the exception of a very small portion, those tramways are completed and opened for public traffic, and it is expedient that the balance of the money deposited with the Court of Chancery in respect of the Order of 1871 to which the Company are entitled should be repaid:

And whereas it is expedient that the Company should be authorised to construct additional tramways in and near Leeds, and that further powers should be conferred on the Company:

And whereas plans and sections of the proposed tramways, showing the lines and levels thereof, have been deposited with the clerk of the peace for the west riding of the county of York in the month of November last, and are herein-after referred to as the deposited plans and sections:

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

And whereas plans and sections of the tramway No. 1c by this Act authorised, showing the lines and levels thereof, were deposited on the seventh day of March one thousand eight hundred and seventy-seven with the clerk of the peace for the west riding of the county of York, and are herein-after also referred to as the deposited plans and sections:

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And whereas an agreement respecting the tramways by this Act authorised has been made between the Company and the Corporation, a copy of which agreement is set forth in the Schedule to this Act, and it is expedient that the same be confirmed and carried into effect, and that divers provisions be made in relation thereto:

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,)

Short title.

1. This Act may be cited for all purposes as "The Leeds Tramways Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. "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 three (interpretation of terms) 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.

Extending certain provisions of 8 & 9 Vict. c. 16., 26 & 27 Vict. c. 118., and 32 & 33 Vict. c. 48. to this Act.

3. Subject to the provisions of this Act, the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

And also Parts I. and II., relating respectively to the cancellation and surrender of shares and to additional capital, of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869;"

are incorporated with this Act, and shall extend and apply to the Company and to the additional capital which they are by this Act authorised to raise.

Interpretation of terms.

4. 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 or inconsistent with such construction:

The expression "the Company" means the Leeds Tramways Company:

The expression "the tramways" shall mean the tramways and works connected therewith by this Act authorised to be made or maintained:

The expression "the Corporation" means the mayor, aldermen, and burgesses of the borough of Leeds:

The word "contingencies" in "The Companies Clauses Consolidation Act, 1845," section one hundred and twenty-two, shall, with reference to the Company, be construed to include the contingency of the undertaking being sold to the local authority under section forty-three of "The Tramways Act, 1870," at a sum less than the aggregate amount of the capital and debts of the Company:

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

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 the tramways herein-after described, in the lines and according to the levels shown on the deposited plans and sections, with all proper rails, plates, sleepers, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are—

Tramway No. 1 (single line), five furlongs eight chains and thirty links in length, wholly situate in the parish of Leeds, commencing by a junction with the existing tramway of the Company in Wellington Street, and terminating in Wellington Road, near the "Crown Inn," Wortley:

Tramway No. 1A (single line), one furlong nine chains and fifty links in length, wholly situate in the parish of Leeds, commencing by a junction with the existing tramway in Wellington

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Street, and terminating in Wellington Road by a junction with Tramway No. 1:

Tramway No. 1B (single line), five chains and seventy-six links in length, wholly situate in the parish of Leeds, commencing by a junction with the Tramway No. 1 in Wellington Road, and terminating in that road by a junction with Tramway No. 1:

A Tramway No. 1C (single line), six furlongs eight chains and eighty-five links in length, situate wholly in the parish of Leeds, commencing by a junction with Tramway No. 1 at the termination thereof, and terminating in the Tong Road, near the Star Inn, Upper Wortley:

Tramway No. 2 (single line), five furlongs eight chains and forty links in length, wholly situate in the parish of Leeds, commencing by a junction with the existing tramway in North Street, and terminating in Meanwood Road:

Tramway No. 2A (single line), one furlong one chain and fifty-two links in length, wholly situate in the parish of Leeds, commencing by a junction with the existing tramway in North Street, and terminating in Meanwood Road by a junction with Tramway No. 2:

all which said tramways and works are situate in the west riding of the county of York.

6. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same:

Power for Postmaster General to annex conditions.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the tramways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Power of entry for Postmaster General.

(D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company by any work or thing executed or done by them interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

Compensation by Company to Postmaster General, and penalty.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

This section to remain in force for only one year, &c.

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

Company may be required to use improved form of rails.

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Penalty for not maintaining rails and road in good condition.

8. The Company, if they make the tramways, shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, and if the Company at any time fail to comply with this provision, or with any of the requirements 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 act of omission continues, and such penalty may be recovered as by clause fifty-six of the said Act is provided.

Local authority to have access to sewers.

9. The local authority shall at all times have free access to and communications with all their sewers and drains, and gas and water pipes, and power to lay lateral and private drains and pipes to communicate therewith, without the consent or concurrence of the Company, and the provision 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 authority as if the same were a pipe for the supply of gas or water.

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

10. 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, if they make the tramways, 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.

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

11. If any road authority shall hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Company, if they make the tramways, 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.

Power to make additional crossings, passing-places, &c. where necessary.

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

owner or owners, or occupier or occupiers, of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the Company, express their objection thereto.

Application of road materials excavated in construction of works.

13. 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, as 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 twenty-eight 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 a 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.

Temporary tramways.

14. 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, if they make the tramways, shall, within fourteen days of receiving an order in writing from any road authority under the hand of their clerk or secretary, discontinue or take up such tramway for such term as may be necessary for the execution of the said work: Provided that the Company, if they make the tramways, may, with the sanction of the road authority and subject to such conditions and in accordance in all respects with such regulations as they the said road authority may from time to time make or prescribe, construct on the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain a

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temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Inspection by Board of Trade.

15. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Additional capital.

16. The Company may, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," from time to time raise by the creation and issue at their option of new ordinary shares or stock, or new preference shares or stock, or wholly or partly by one or more of those modes respectively, such further sum or sums of money as they think fit, not exceeding fifteen thousand pounds.

As to amount of new shares.

17. Any new shares, whether ordinary or preference, issued under this Act shall be of a nominal amount not less than ten pounds.

Shares not to be issued until one fourth paid up.

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

Calls.

19. One fourth 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.

Power to divide shares.

20. Subject to the provisions 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 by this Act authorised to be raised 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.

21. 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 dividend on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding six pounds 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 preferred half share, and the remainder (if any) in payment of dividend on the deferred half share.

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

22. 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.

23. 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: Provided always, that 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 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 certificate.

24. 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 such half share.

Forfeiture of preferred shares.

25. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for the non-payment 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: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, 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 or surrendered.

26. 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.

27. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether

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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.

Receipt in case of persons not sui juris.

28. 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 on mortgage.

29. The Company may from time to time borrow on mortgage in respect of their original capital of one hundred and sixty thousand pounds any sum not exceeding in the whole forty thousand pounds, but no part thereof shall be borrowed until the whole original capital of one hundred and sixty 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 required amount of capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fourth 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.

Power to borrow in respect of additional capital.

30. The Company may from time to time borrow on mortgage in respect of the additional capital of fifteen thousand pounds by this Act authorised to be raised by shares or stock any sum not exceeding in the whole three thousand five hundred pounds, but no part thereof shall be borrowed until the whole additional capital of fifteen 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 required amount of capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fourth part of the amount of each separate share in so much of the additional capital as is to be raised by means of shares has been paid on account thereof before or at the time of the issue or

acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is paid up, and that such capital was issued and accepted and paid up bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and also, if such capital is raised by shares, 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.

31. 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 thousand pounds in the whole.

Company not to create debenture stock.

32. The Company shall not create or issue debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

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

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

34. 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 forty-third section of "The Tramways Act, 1870."

Priority of mortgages over other debts.

35. 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.

Application of moneys.

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

Auditors not required to hold shares.

37. The auditors need not hold shares in the Company.

Power to purchase lands.

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

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Penalty unless tramways are opened within the time limited.

39. If the Company fail within the period limited by this Act to complete the tramways which they are herein-before authorised to construct, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the tramway in respect of which such default has been made is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such tramway, and the said penalty may be applied for by any road authority, landowner, or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice, in the bank and to the credit specified in such warrant or order, and shall not be paid thereout except as hereinafter provided, but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control: Provided always, that if under the provisions of this Act the Corporation elect to construct the tramways by this Act authorised, the provisions of this and the next following section shall not have any operation or effect.

Application of penalty.

40. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramway, or any portion thereof, and for which injury or loss 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 Chancery Division of the High Court of Justice may seem fit, and if no such compensation be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall 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 said 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 said 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.

Period for completion of works.

41. The tramways shall be completed within two years and six months 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.

42. The Company may demand and take in respect of the tramways, or any part or parts thereof respectively, the same tolls and charges as they are authorised to demand and take for and in respect of their existing tramways, as if the tramways by this Act authorised had been authorised by the Order of 1871: Provided always, that in lieu of the tolls and charges specified in the Schedule to the Order of 1871 for the conveyance of animals and goods, the Company may only demand and take tolls and charges not exceeding the following; (that is to say,)

In respect of animals conveyed upon the tramways, or any part thereof, as follows:

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

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

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

In respect of goods and other things conveyed on the tramways, or any part thereof, as follows:

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, dung, compost, and all sorts of

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manure, and all undressed materials for the repair of public roads or highways, per ton per mile threepence:

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 fireclay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile threepence:

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, per ton per mile fourpence:

For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile fourpence:

For every carriage, of whatever description, under one ton in weight, tenpence:

With additional charge of twopence per quarter of a ton over one ton in weight.

Cheap fares for labouring classes.

43. 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 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 tolls or charges not exceeding one halfpenny per mile (the Company, nevertheless, not being required to take any fares 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.

Form and delivery of notices.

44. With respect to the notices to be given by or to the Company, 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 the Corporation shall be sufficiently authenticated by being signed by the town clerk or borough surveyor, and if given by any other 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.

Providing for release of balance of money deposited in Chancery.

45. The High Court of Justice, Chancery Division, may and shall at any time after the passing of this Act, on application by the persons or the majority of the persons named in the warrant or order of the Board of Trade dated the twenty-fifth day of April one thousand eight hundred and seventy-one, for payment into the Court of Chancery of the sum of three thousand eight hundred and forty-six pounds ten shillings, being four per centum on the amount of the estimate of the expense of the tramways authorised by the Order of 1871, or the survivors or survivor of them, by petition in a summary way, order that the sum of one thousand and twenty-nine pounds eight shillings and fivepence, the balance of the said sum of three thousand eight hundred and forty-six pounds ten shillings, may be paid to the person or persons so applying, or to any other person or persons whom they or he may appoint in that behalf.

Balance of deposit money to be paid to Company.

46. When and so soon as the sum of one thousand and twenty-nine pounds eight shillings and fivepence is paid under the last preceding section to the person or persons therein mentioned, the said person or persons shall pay the same to the Company.

Confirmation of scheduled agreement.

47. The agreement set forth in the Schedule to this Act is hereby confirmed, and the same shall have full effect and shall be carried into execution by the Company and the Corporation, who are hereby respectively authorised and empowered to carry the same into effect.

Power for Corporation to borrow.

48. If the Corporation elect under the provisions of this Act to construct the tramways, they may from time to time, in addition to any moneys they are now or by any Act of the present session may be authorised to borrow, borrow at interest on the security of the borough fund of the borough of Leeds any sums not exceeding fifteen thousand pounds, and the moneys so borrowed shall be subject to the same conditions and incidents with respect to the repayment thereof and otherwise as moneys borrowed on the security of the said borough fund.

If Corporation elect, capital of Company to be reduced.

49. In the event of the Corporation electing as aforesaid to construct the tramways, the Company shall have power to work the tramways under the lease to be granted by the Corporation in pursuance of the said agreement set forth in the Schedule to this Act, and in such case the additional capital of the Company by this Act authorised to be raised shall not exceed ten thousand pounds, and the Company shall only have power to borrow in respect of

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such additional capital any sums not exceeding in the whole two thousand five hundred pounds, and in all other respects the provisions of this Act with respect to the capital, their powers to borrow, and, subject to the provisions of this Act, their powers to purchase and acquire or dispose of lands, shall remain in full force.

Interest not to be paid on calls paid up.

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

51. 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 tramways, or to execute any other work or undertaking.

Tramways not exempt from provisions of present and future general Acts.

52. 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.

53. 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.

The SCHEDULE referred to in the foregoing Act.

An Agreement made this first day of March 1877 between the Mayor, Aldermen, and Burgesses of the Borough of Leeds (herein-after called "the Corporation") of the first part, and the Leeds Tramways Company (herein-after called "the Company"), the promoters of a Bill now pending before Parliament, of which the name or short title is "Leeds Tramways," of the second part.

The Company having applied to the Corporation for their consent to the said Bill being proceeded with, and the Corporation having given their consent upon the terms and conditions herein-after mentioned,

It is agreed as follows, subject to the sanction of Parliament:

First. That the Company will strike out of the said Bill the powers to make the tramways No. 3, No. 3A, and No. 4 in Hunslet, and shall apply to Parliament in the present session for an extension of tramway No. 1 to the Star Inn, Wortley, in the parish of Leeds.

Second. That if the Bill passes into an Act the exercise of every power conferred by the Act on the Company with reference to the construction and maintenance of the tramways by the Act authorised, herein-after called the tramways, shall be suspended for a period of six months from the passing of the Bill into an Act.

Third. The Corporation, by the council of the borough, in pursuance of a resolution to that effect passed at a special meeting of the said council, may, within the said period of six months, intimate to the Company by notice in writing, under the hand of the town clerk, to be delivered at the offices of the Company in Leeds, their desire to be substituted in the place of the Company for the purposes of and to exercise the powers by the Act conferred on the Company, so far as they relate to the construction and maintenance of the tramways, and the Corporation shall, as soon as practicable, publish such notice once in the London Gazette and twice in a newspaper published in Leeds, and thereupon the Corporation shall have all the powers conferred by the Act on the Company as to the construction and maintenance of the tramways, which powers shall be transferred to and vested in the Corporation, and shall apply to the Corporation in the same manner as if the Corporation had been expressly named in the provisions of the Act instead of the Company, and those powers may be then forthwith executed by the Corporation.

Fourth. If the Corporation so elect to be substituted for the Company they shall cause the tramways, with the necessary and proper sidings, rails, plates, works, and conveniences requisite for using and working the same for public traffic, to be constructed in a substantial manner, and according to working plans and sections and specifications to be prepared by the Company's engineer,

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and to be approved by the borough surveyor, the cost of such plans, sections, and specifications to be paid by the Corporation, but not to exceed two per cent. on the amount of the cost of the construction of the said tramways, and shall, subject to the provisions herein-after contained, commence the construction of the said tramways and works within six calendar months after the passing of the said Act, and shall complete the same within two years and six months after the passing of the Act; and the Corporation shall, when and so soon as the tramways are completed, demise by lease to the Company the tramways, on such terms and conditions as may be agreed upon, or, failing agreement, as may be determined by an arbitrator to be appointed by the Board of Trade on the application of either party, and the arbitrator shall have power to award the costs of such arbitration to either party in such manner as he may think fit.

Fifth. The lease shall be for a term of twenty-one years and six months from the passing of the Tramways Order Confirmation Act, 1871, and shall contain a covenant on the part of the Corporation that in case at any time or times during the continuance of the lease the Company shall consider it requisite for the efficient and convenient working of the tramways that any crossings, sidings, passing-places, junctions, communications with stables of the Company, or other works or conveniences of the Company, should be constructed, the Company may give to the Corporation a notice in writing specifying such crossings, works, or conveniences as aforesaid, and requiring the Corporation to construct the same, and thereupon, unless the Corporation shall, within one calendar month after the receipt of such notice, serve on the Company a counter-notice in writing that they dispute the necessity or reasonableness of such works, or any of them, the Corporation shall forthwith at their own expense construct such crossings or other works or conveniences as aforesaid, in the manner herein-before provided with regard to the construction of the tramways in the first instance, but in case the Corporation shall serve such counter-notice as aforesaid it shall be referred to the arbitration of an engineer to be appointed by the Board of Trade to determine whether such crossings, works, or conveniences are necessary or reasonably requisite, and if he decide that the same are necessary or reasonably requisite then the Corporation shall forthwith proceed to construct the same as aforesaid, and in case the said works shall be so constructed the same shall be thereafter deemed to be part of the tramways and works included in the lease: Provided always, that no passing-place, junction, or communication with any stable under this clause shall be required to be of greater length than three hundred yards, and the Company shall pay to the Corporation such additional rent as may be agreed upon for the cost of such works, or, failing agreement, as may be settled by an arbitrator to be appointed by the Board of Trade.

Sixth. If the Corporation, after they have so elected to construct the tramways, fail to commence to construct the same within a period of six months from the passing of the Act, and bonâ fide to proceed with the construction of the same, the powers of the Company for the construction and maintenance of the tramways shall revive and be of full force and effect.

Seventh. If the Corporation construct the tramways the Company shall be released from all the obligations imposed upon them by the Act for the construction and maintenance of the tramways.

Eighth. In the event of the Corporation undertaking to construct the said tramways, they hereby agree to pay to the Company towards the cost of obtaining the Act a sum of money equal to the sum they would have had to expend in obtaining a Provisional Order for the construction of the tramways by this agreement assented to by the Corporation, and in the event of such sum not being agreed, the same shall be ascertained and decided by Mr. Thomas Barker Simson on behalf of both parties.

In witness whereof the said Corporation and the said Company have hereunto affixed their common seals the day and year first above written.

Capel A. Curwood,
Town Clerk.

Seal of the Corporation of Leeds.

Seal of the Leeds Tramway Company.

The Common Seal of the Leeds Tramways Company was affixed hereunto in the presence of

Wm. Turton,
Chairman.

William Wharam,
Secretary.

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