## CHAPTER cl.

An Act to confer further powers on the Leeds Tramways Company. A.D. 1881.

[18th July 1881.]

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: 34 & 35 Vict. c. clxxxix.

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: 35 & 36 Vict. c. clxxiv.

And whereas by the Leeds Tramways Act 1877 (in this Act called "the Act of 1877") the Company were authorised to construct additional tramways in and near Leeds: 40 & 41 Vict. c. clxix.

And whereas, with the exception of a very small portion, those tramways are completed and opened for public traffic:

And whereas it is expedient that the Company should be empowered to use steam or other mechanical or motive power in addition to or in substitution for animal power for the purpose of working the said tramways:

And whereas it is expedient that, subject to the provisions in this Act contained, the Company should be authorised to provide and work omnibuses, coaches, hackney carriages, and other vehicles ordinarily used in the business of omnibus, coach, and hackney carriage proprietors in the borough of Leeds:

And whereas the corporation have passed a resolution in favour of the Bill for this Act, and declaring that the granting to the Company of the powers herein-before last mentioned would in their opinion be of great benefit to the inhabitants of the borough of Leeds:

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking:

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

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

Short title.

**1.** This Act may be cited for all purposes as the Leeds Tramways Act 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 16.

**2.** 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:

26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48.

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.

**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 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 the Order of 1871 and the Act of 1877 authorised to be made or maintained;

The expression "the corporation" means the mayor, aldermen, and burgesses of the borough of Leeds.

Company may apply corporate funds to purposes of Act and raise additional capital.

**4.** The Company may apply to the purposes of this Act any of the moneys which they now have in their hands or which they have power to raise, and which may not be required by them for the purposes for which the same was authorised to be raised, and the Company may for the purposes of this Act 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 seventy-five thousand pounds, and sections twenty to twenty-seven, both numbers inclusive, of "the Act of 1877" shall extend and apply to such additional capital.

Amount of new shares.

**5.** 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.

**6.** 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.

**7.** 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 borrow.

**8.** The Company may from time to time borrow on mortgage, in respect of the additional capital of seventy-five thousand pounds by this Act authorised to be raised by shares or stock, any sum not exceeding in the whole eighteen thousand seven hundred and fifty pounds, but no part thereof shall be borrowed until the whole additional capital of seventy-five 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,

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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.

Debenture stock.

**9.** The Company shall not create or issue debenture stock.

Mortgage to comprise purchase money paid on compulsory sale. 33 & 34 Vict. c. 78.

**10.** 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.

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

**11.** 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 forty-third section of the Tramways Act 1870.

Existing mortgages to have priority.

**12.** All mortgages granted by the Company before the passing of this Act, and subsisting at the passing of this Act, shall during the continuance of such mortgages have priority over any mortgages granted by virtue of this Act.

Priority of mortgages over other debts.

**13.** All moneys raised on mortgage by the Company under this Act and the interest due thereon shall have priority against the Company and the property from time to time of the Company, over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act, but this priority shall not affect any claim against the Company 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, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

Repeal of provisions of 40 & 41 Vict. c. clxix. for appointment of a receiver.

**14.** The provisions of the Act of 1877 with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal, or principal and interest, shall be and the same are hereby repealed, but subject and without prejudice to any appointment of a receiver which may have been made, or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

Appointment of a receiver.

**15.** 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 be not less than five thousand pounds in the whole.

Application of moneys.

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

Power to use steam or other mechanical power.

**17.** The carriages used on the tramways may, subject to the provisions of this Act, be moved by steam power or other mechanical power during a period of seven years after the passing of this Act, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time by order specify: Provided that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the schedule to this Act annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of these powers.

Penalty for using steam or mechanical power contrary to order or regulations.

**18.** If the Company use steam or any mechanical power on any of the said tramways contrary to the provisions of this Act or to any regulation made by the Board of Trade as aforesaid, they shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always, that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company, or any person using steam or any mechanical power on the tramways of the Company under the authority of this Act, have or has made default in complying with the provisions of this Act, or with any of the regulations set forth in the schedule to this Act annexed, or with any regulation which may have been made as aforesaid, may by order direct the Company or such person to cease to exercise the powers aforesaid, and thereupon the Company or such person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws for regulating use of steam power, &c.

**19.** Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind, annul, or add to byelaws with regard to all or any of the tramways of the Company

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upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

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

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

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

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

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

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

Recovery of penalties.

**20.** The provisions of the Tramways Act 1870, with respect to the recovery of penalties shall apply to any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of 33 & 34 Vict. c. 78. as to bye-laws by local authority.

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

Orders and byelaws.

**22.** All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Act.

Contracts with road authorities

**23.** Before the Company or any person use steam or any mechanical power under the authority of this Act on the tramways

where steam or mechanical power is to be used.

or any part thereof, they or he shall give one month's previous notice of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend to use such power are or is situated. Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road, then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such person by such notice or for such road authority by notice to be served upon the Company or such person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract, agreement, or arrangement, and thereupon such contract, agreement, or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using steam or any mechanical power on the tramways or any part thereof and thereafter from time to time the Company or such person and every such road authority may enter into or renew with or without modification any contract, agreement, or arrangement with respect to the user by the Company or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is used or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road which they may think fit and the Board of Trade may approve:

In case any difference arises between any such road authority and the Company or such person as to the determination of any such contract, agreement, or arrangement or in case any such road authority after request in writing by the Company or such person or the Company or such person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract, agreement, or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof, then and in every such case the difference with

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respect to such determination or the reasonableness of such refusal or failure or the terms of such contract, agreement, or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870, with respect to all differences between the promoters and any road authority, and thereupon the parties shall in all respects conform to such determination and make and observe any contract, agreement, or arrangement thereby prescribed: Provided always, that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force in relation to the tramways or such portion of the tramways a contract, agreement, or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing, improving, and maintaining the highways within their district, having regard in the first instance to the requirements of the roads upon which the tramways are laid.

Where steam or mechanical power is used contract with road authority not be for longer than two years at a time.

**24.** Where steam or any mechanical power is used by the Company or any person on the tramways or any part thereof no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid, with respect to the user by the Company or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification or a new contract, agreement, or arrangement may be made instead thereof.

Power to run omnibuses, &c.

**25.** The Company may, in addition to the omnibuses they may be required by the corporation to provide and work under section seventeen of "the Order of 1871," work and run omnibuses within

any part of the borough of Leeds, and may build, purchase, hire, provide, and use omnibuses, coaches, hackney carriages, and other vehicles ordinarily used in the business of omnibus, coach, and hackney carriage proprietors, and may carry on the business of omnibus, coach, and hackney carriage proprietors in the borough of Leeds which shall form part of the undertaking of the Company.

Drivers, &c. of omnibuses, &c. to be subject to byelaws.

**26.** Provided always, that such omnibuses, coaches, hackney carriages, and other vehicles, and the drivers and conductors thereof, shall be subject to all laws and regulations in force within the borough of Leeds for the time being relating to omnibuses, coaches, hackney carriages, and other vehicles, and the drivers and conductors thereof.

Omnibus fares, &c.

**27.** The Company may in respect of such omnibuses, coaches, hackney carriages, and other vehicles, charge, take, and recover such fares as the corporation from time to time reasonably approve.

Company when required by corporation to sell omnibuses, &c.

**28.** The corporation may by resolution to be passed at a special meeting of the corporation, determine to give notice in writing under their corporate seal to the Company, requiring the Company at the expiration of six months from the date of such notice to sell to a purchaser to be named by the corporation the omnibuses, coaches, hackney carriages, and other vehicles then belonging to the Company, except those used on the tramways, and under section seventeen of the Order of 1871, and the stock and plant connected therewith, for a sum of money, to be fixed in case of difference by a single arbitrator to be appointed by the Board of Trade, and not exceeding, in any case, twenty-five thousand pounds, and the Company accordingly shall sell the same to the said purchaser, and thereupon the powers of the Company to work and use omnibuses, coaches, hackney carriages and other vehicles, except under the before-mentioned section seventeen of the Order of 1871, shall cease: Provided always, that the Company within the said six months may appeal to the Board of Trade against such sale and shall give notice in writing under their common seal to the corporation of their intention so to appeal, and thereupon the matter shall be referred to the Board of Trade, who may direct an inquiry into the matter by a referee, in manner provided by section sixty-three of the Tramways Act 1870, and the decision of the Board of Trade, shall be final.

Interest not to be paid on calls paid up.

**29.** 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

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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.

**30.** 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.

Provision as to general Tramway Acts.

**31.** 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 to be taken by the Company.

Expenses of Act.

**32.** 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. A.D. 1881.

## Regulations as to Steam Power.

Every engine used on the tramways of the Company shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating, and for bringing such engine and any carriage drawn or propelled by such engine to a stand, as the Board of Trade may from time to time think sufficient. Break-power of engines.

Every engine used on the tramways of the Company shall have its number shown in some conspicuous part thereof, and shall be fitted— Fittings of engines, &c.

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell, whistle, or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him:

Every such engine shall be free from noise produced by blast or clatter of machinery, and the machinery shall be concealed from view at all points above four inches from the level of the rails, and all fire used on such engines shall be concealed from view.

Every carriage used on the tramways of the Company shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such carriage, and their protection from the machinery of any engine used for drawing or propelling such carriage. Carriages.

The Board of Trade shall on application of the Company, and may on complaint made by any person, from time to time inspect any engine or carriage used on the tramways of the Company, and the machinery therein, and may whenever they think fit prohibit the use on such tramways of any such engine or carriage which in their opinion may not be safe for use on such tramways. Inspection of engines and carriages.

The speed at which engines and carriages may be driven or propelled along the tramways of the Company shall not exceed the rate of eight miles an hour. Speed.

The speed at which engines and carriages may pass through moveable facing points shall not exceed the rate of four miles an hour.

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