CHAPTER cxli.

An Act for incorporating the Manchester Suburban Tramways Company, and for empowering them to construct Tramways in the neighbourhood of Manchester; and for other purposes. [4th July 1878.]

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WHEREAS the construction of tramways in the suburbs and neighbourhood of Manchester in connexion with and in extension of certain tramways constructed or intended to be constructed by the mayor, aldermen, and citizens of the said city would be of public and local advantage:

And whereas the persons herein-after named, with others, are willing at their own expense to construct such tramways, and it is expedient that powers should be conferred upon them for that purpose:

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised and books of reference to such plans have been deposited with the clerk of the peace for the county of Lancaster, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

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

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

Short title.

1. This Act may be cited for all purposes as the Manchester Suburban Tramways Act, 1878.

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

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

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1860, and 1869, except the provisions thereof with respect to the purchase of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking, and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act, 1870, are, except where expressly varied by this Act, incorporated with and form part of this Act.

26 & 27 Vict. c. 118. 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 shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

The expression "the Company" shall mean "the Manchester Suburban Tramways Company" incorporated by this Act;

The expressions "the tramways" and "the undertaking" shall mean the tramways and works and the undertaking respectively by this Act authorised;

8 & 9 Vict. c. 16.

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 the Tramways Act, 1870, section forty-three, at a sum less than the aggregate amount of the capital and debts of the Company;

33 & 34 Vict. c. 78.

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.

Company incorporated.

4. Daniel Busby, William Turton, John Greenwood, and Benjamin Whitworth, and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a Company for the purposes 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 "Manchester Suburban Tramways Company," and by that name shall be a body corporate with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

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Power to make tramways according to deposited plans. 33 & 34 Vict. c. 78.

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, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are:

LEVENSHULME LINES.

Tramway No. 1, one mile one furlong eight chains and nine yards in length, commencing at the boundary of the city of Manchester, near the end of Grey Street in Stockport Road, and passing thence in a south-easterly direction through the townships of Gorton and Newton, and terminating at a point in Stockport Road aforesaid at the boundary of the townships of Newton and Rusholme:

Tramway No. 1A, three furlongs four chains and six yards in length, commencing at the boundary of the city of Manchester and the township of Moss Side in Stockport Road, near the end of Albert Road, and passing thence through the townships of Moss Side and Rusholme, and in a direction parallel with Tramway No. 1, and terminating in Stockport Road aforesaid at the boundary of the townships of Rusholme and Newton:

Tramway No. 1B, five chains and fifteen yards in length, commencing in the Stockport Road by a junction with Tramway No. 1A at its termination at the boundary of the townships of Rusholme and Newton, and passing thence in a south-easterly direction and parallel with Tramway No. 1 along the Stockport Road, and terminating by a junction with Tramway No. 1 at the westerly side of the bridge of the London and North-western Railway Company over the said road:

Tramway No. 1c, one furlong seven chains and fourteen yards in length, commencing in the Stockport Road by a junction with Tramway No. 1 at the easterly side of the bridge of the London and North-western Railway Company over the said road, and passing thence in a south-easterly direction and parallel with Tramway No. 1 along Stockport Road aforesaid, and terminating at the boundary of the townships of Newton and Rusholme:

Tramway No. 2, one furlong five chains and nineteen yards in length, commencing in the Stockport Road by a junction with

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Tramway No. 1 at its termination at the boundary of the townships of Newton and Rusholme, and passing thence along Stockport Road in a south-easterly direction, and terminating at the boundary of the townships of Rusholme and Levenshulme at a point fifty-one yards in a north-westerly direction from the north-westerly corner of John Street:

Tramway No. 2A, one furlong five chains and nineteen yards in length, commencing in the Stockport Road by a junction with Tramway No. 1c at its termination at the boundary of the townships of Newton and Rusholme, and passing thence in a south-easterly direction and parallel with Tramway No. 2 along Stockport Road, and terminating at the boundary of the townships of Rusholme and Levenshulme at a point fifty-one yards in a north-westerly direction from the north-westerly corner of John Street:

Tramway No. 3, six furlongs five chains and seven yards in length, commencing in the Stockport Road by a junction with Tramway No. 2 at its termination at the boundary of the townships of Rusholme and Levenshulme, and passing thence in a south-easterly direction along the said road, and terminating at a point in Stockport Road fifty yards in a southerly direction from the north-westerly corner of Broom Lane:

Tramway No. 3A, six furlongs three chains and sixteen yards in length, commencing in the Stockport Road by a junction with Tramway No. 2A at its termination at the boundary of the townships of Rusholme and Levenshulme, and passing thence in a south-easterly direction and parallel with Tramway No. 3 along the said road, and terminating by a junction with Tramway No. 3 at a point thirty-five yards in a north-westerly direction from the termination of Tramway No. 3.

All the said Levenshulme lines will be situate in the townships of Gorton, Newton, Moss Side, Rusholme, and Levenshulme, in the parish of Manchester, in the county of Lancaster.

Openshaw Lines.

Tramway No. 4, two miles one furlong seven chains and fifteen yards in length, commencing in the Manchester and Salters-brook turnpike road at the boundary of the city of Manchester and the township of Openshaw, and passing thence in an easterly direction along the said road, and terminating at the boundary of the townships of Openshaw and Droylsden one hundred and twenty yards in an easterly direction from the easterly corner of St. Ann's Street, Fairfield:

Tramway No. 4A, one chain in length, commencing in the Manchester and Saltersbrook turnpike road at the boundary of the city of Manchester and the township of Openshaw, and passing thence along the said road, and terminating by a junction with Tramway No. 4 at a point thirty yards in a south-westerly direction from the westerly corner of Oliver Street:

Tramway No. 4B, two miles one furlong four chains and eight yards in length, commencing in the Manchester and Saltersbrook turnpike road by a junction with Tramway No. 4 opposite the westerly corner of Oliver Street, and passing thence in an easterly direction along the said road, parallel with and terminating by a junction with Tramway No. 4 at a point twenty-five yards in a westerly direction from its termination at the boundary of the townships of Openshaw and Droylsden.

All the said Openshaw lines will be situate in the township of Openshaw, in the parish of Manchester, in the county of Lancaster.

Bradford Lines.

Tramway No. 5, four furlongs seven chains and sixteen yards in length, commencing in the Ashton New Road at the boundary of the city of Manchester and the township of Bradford, and passing thence in an easterly and north-easterly direction along the said road, and terminating in the township of Droylsden at a point forty yards in an easterly direction from the easterly corner of West Street:

Tramway No. 5A, four furlongs six chains and seventeen yards in length, commencing in the Ashton New Road at the boundary of the city of Manchester and the township of Bradford, and passing thence in an easterly and north-easterly direction along the said road, parallel with and terminating in the township of Droylsden by a junction with Tramway No. 5 at a point twenty-two yards in a south-westerly direction from its termination.

All the said Bradford lines will be situate in the townships of Bradford and Droylsden, in the parish of Manchester, in the county of Lancaster.

Harpurhey Lines.

Tramway No. 6, three furlongs two chains and fourteen yards in length, commencing in the Rochdale Road at the boundary of the city of Manchester and the township of Harpurhey, opposite the end of Hilton Street, and passing thence in a

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north-easterly direction along the said road, and terminating at the boundary of the townships of Harpurhey and Blackley near the end of Moston Lane:

Tramway No. 6A, one furlong eight chains and fourteen yards in length, commencing in the Rochdale Road at the boundary of the city of Manchester and the township of Harpurhey, opposite the end of Hilton Street, and passing thence in a north-easterly direction along the said road, and parallel with and terminating by a junction with Tramway No. 6 at a point opposite the north-easterly corner of Alfred Street:

Tramway No. 6B, one furlong two chains and seventeen yards in length, commencing in the Rochdale Road by a junction with Tramway No. 6 at a point nine yards in a northerly direction from the north-easterly corner of the Toll Bar House, and passing thence in a north-easterly direction along the said road, parallel with Tramway No. 6, and terminating at the boundary of the townships of Harpurhey and Blackley near the end of Moston Lane:

Tramway No. 6C, six chains and fifteen yards in length, commencing in the Rochdale Road by a junction with Tramway No. 6 at the boundary of the townships of Blackley and Harpurhey, and passing thence in a north-easterly direction, and terminating at a point ten yards in a southerly direction from the most easterly corner of the public-house known as "Kay's Farm Yard Inn:"

Tramway No. 6D, five chains and fourteen yards in length, commencing in the Rochdale Road by a junction with Tramway No. 6B at the boundary of the townships of Blackley and Harpurhey, and passing thence in a north-easterly direction, and parallel with and terminating by a junction with Tramway No. 6C at a point twenty-five yards in a south-westerly direction from its termination.

All the said Harpurhey lines will be situate in the townships of Harpurhey and Blackley, in the parish of Manchester, in the county of Lancaster.

Cheetham Hill Lines.

Tramway No. 7, one furlong seven yards and four chains in length, commencing in the Bury Old Road at the boundary of the city of Manchester and the township of Broughton at a point thirteen yards in a southerly direction from the south-easterly corner of Tyson Street, and passing thence in a north-westerly direction along the said road, and terminating at a

point fifteen yards in a south-easterly direction from the centre of the gates of the Wilton Polygon :

Tramway No. 7A, two furlongs four chains and eight yards in length, commencing in the Bury Old Road at the boundary of the city of Manchester and the township of Crumpsall at a point twenty-six yards in a southerly direction from the south-easterly corner of Humphrey Street, and passing thence in a north-westerly direction and parallel with Tramway No. 7 along the said road, and terminating by a junction with and at a point twenty-five yards in a south-easterly direction from the termination of Tramway No. 7.

All the said Cheetham Hill lines will be situate in the townships of Broughton and Crumpsall, in the parish of Manchester, in the county of Lancaster.

FAILSWORTH AND HOLLINWOOD LINES.

Tramway No. 8, one mile four furlongs nine chains and three yards in length, commencing in the Manchester, Oldham, and Austerlands turnpike road at the boundary of the townships of Newton and Failsworth, near the end of Heath Street, and passing thence in a north-easterly direction along the said road, and terminating at the boundary of the townships of Failsworth and Oldham, opposite the public-house known as the "Grey Horse Inn :"

Tramway No. 8A, one mile four furlongs eight chains and twenty-one yards in length, commencing in the Manchester, Oldham, and Austerlands turnpike road at the boundary of the townships of Newton and Failsworth, near the end of Heath Street, and passing thence in a north-easterly direction and parallel with Tramway No. 8 along the said road, and terminating at the boundary of the townships of Failsworth and Oldham, opposite the public-house known as the "Grey Horse Inn :"

So much, but so much only, of Tramway No. 9 as extends from its commencement, as shown on the deposited plans, in the Manchester, Oldham, and Austerlands turnpike road by a junction with Tramway No. 8 at its termination at the boundary of the townships of Failsworth and Oldham, opposite the "Grey Horse Inn," and passes thence for a length of ninety-five yards in a north-easterly direction along the said road to the end of Hudson Street :

So much, but so much only, of Tramway No. 9A as extends from its commencement, as shown on the deposited plans, in the

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Manchester, Oldham, and Austerlands turnpike road by a junction with Tramway No. 8A at its termination at the boundary of the townships of Failsworth and Oldham, opposite the "Grey Horse Inn," and passes thence for a length of ninety-five yards in a north-easterly direction and parallel with Tramway No. 9 along the said road to the end of Hudson Street.

All the said Failsworth and Hollinwood lines will be situate in the township of Failsworth, in the parish of Manchester, and in the township of Oldham, in the parish of Prestwich-cum-Oldham, in the county of Lancaster.

Suspension of powers as to portions of tramways in borough of Oldham.

6. The Company shall not, until the expiration of eighteen months after the passing of this Act, exercise the powers of this Act with respect to the making of Tramways Nos. 9 and 9A, and if within the said period of eighteen months the mayor, aldermen, and burgesses of the borough of Oldham (herein-after called the corporation) shall have constructed so much of the Tramways Nos. 1 and 2 proposed to be authorised by a Provisional Order, now pending under the title of the Oldham Borough Tramways Order, as extends from the commencement thereof respectively to the end of Hudson Street, in the borough of Oldham, and shall have connected their said Tramways Nos. 1 and 2 with the Tramways Nos. 8 and 8A respectively of the Company to the reasonable satisfaction of the engineer of the Company, or permitted the Company so to connect the same with suitable junctions, then the powers of this Act for the construction of the said Tramways Nos. 9 and 9A shall cease and determine, and the Company shall have the right to use the said portions of the said Tramways Nos. 1 and 2 upon such terms as are from time to time to be agreed upon between the Company and the corporation.

For protection of the London and North-western Railway Company.

7. The Company shall make, lay down, and maintain a single line of tramway only along the centre line of so much of the Stockport Road as is situate under the bridge which carries the London and North-western Railway over that road as the said bridge now exists, and as the same may be authorised to be widened by the London and North-western Railway Company by any Act passed in the present session, and the Company shall make such alterations in the junctions of Tramway No. 1B and Tramway No. 1C respectively with Tramway No. 1, as shown on the deposited plans, as shall be necessary in giving effect to this enactment, and in making, laying down, and maintaining the tramway along the said portion of Stockport Road the Company shall not execute or do, or permit or suffer to be executed or done, or omit to do any work, act, matter,

or thing whereby or by means whereof the structure of the said bridge shall be in any way injured, damaged, or interfered with.

Capital.

8. The capital of the Company shall be seventy-two thousand pounds, in seven thousand two hundred shares of ten pounds each.

Shares not to issue until one fifth part paid up.

9. 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 is paid in respect thereof.

Calls.

10. 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.

Receipt in case of persons not sui juris.

11. 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.

12. The Company may from time to time borrow on mortgage any sum not exceeding in the whole eighteen thousand pounds at the times and subject to the restrictions herein-after contained; that is to say, in respect of every sum of twenty-four thousand pounds, part of the said capital of seventy-two thousand pounds, the Company may borrow the sum of six thousand pounds, but no part of any such sum of six thousand pounds shall be borrowed until the whole of the capital of twenty-four thousand pounds in respect of which the same is borrowed 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.

8 & 9 Vict. c. 16.

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As to appointment of a receiver.

13. 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 one thousand pounds in the whole.

Company not to create debenture stock.

14. The Company shall not create debenture stock.

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

15. 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 as to power of future purchase by local authority. 33 & 34 Vict. c. 78.

16. 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.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

19. The number of directors shall be four.

Qualification of directors.

20. The qualification of a director shall be the possession in his own right of not less than one hundred shares.

Quorum.

21. The quorum of a meeting of directors shall be two.

First directors.

22. Daniel Busby, William Turton, John Greenwood, and Benjamin Whitworth shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Com-

8 & 9 Vict. c. 16.

panies 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. A.D. 1878.

Mode of formation of tramways.

23. Every tramway of the Company shall consist of a single pair of iron or steel rails, laid and maintained in such manner as to be on a level with the surface of the street, and shall be constructed on the gauge of four feet eight and a half inches.

Traffic in roads not to be impeded.

24. During the construction of any works by this Act authorised in any road in any district the Company shall make such arrangements in relation to the execution of such works as may in the opinion of the road authority of such district be proper for preventing the traffic along such road from being unnecessarily impeded.

Provision as to paving roads.

25. So much of the road whereon the tramways are laid as lies between the rails and as extends eighteen inches beyond the rails of and on each side of the tramway shall be paved by the Company at their own expense with granite cubes or sets to the satisfaction of the road authority, or with such other paving as the road authority may approve.

Company to adopt improvements if required by Board of Trade.

26. 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 the 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 such improvements.

Period for completion of works.

27. 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.

Inspection by Board of Trade.

28. 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.

Tramways to be kept level with surface of road.

29. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of any tramway of the Company is laid, the Company may and

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shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Penalty for not maintaining rails and roads.

30. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways of the Company and the substructure upon which the same rest; and if the Company at any time fail to comply with this provision or with the provisions of section twenty-eight of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues, and such penalty shall be a penalty within the meaning of section fifty-six of the said Act.

33 & 34 Vict. c. 78.

Sewer authorities to have access to sewers.

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

33 & 34 Vict. c. 78.

Power to make additional crossings, &c.

32. The Company may, subject to the provisions of this Act, and 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.

33. 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 tram-

ways 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 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.

33 & 34 Vict. c. 78.

33 & 34 Vict. c. 78.

34. The Company may from time to time purchase or take on lease, or otherwise acquire, but only by agreement, any additional lands, not exceeding in the whole six acres, which they may require for any of the purposes of their undertaking.

Power to purchase lands, &c. by agreement.

35. 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 three thousand one hundred and thirty-eight pounds fourteen shillings and one penny, reduced three pounds per centum annuities, the same being equal to five per centum upon the amount of the estimate in respect of the tramways, has been transferred into 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 said 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

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

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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 court 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.

36. 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 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, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation, or inadequate compensation, has 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 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 deposit 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.

Tolls for passengers.

37. The Company may demand and take for any passenger travelling upon the tramways, or any part thereof, including tolls for the use of the tramway, and of carriages, and for motive power, and for every other expense 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 threepence: Provided always, that if, at any time after three years from the opening for public traffic of the tramways by this Act authorised, it shall be represented in writing to the Board of Trade by any road authority, or by twenty inhabitant ratepayers of any parish or extra-parochial place in which any of the tramways are laid, that the Company are charging a greater sum than twopence for distances not exceeding two miles, and that under the circumstances their exacting such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry by a referee into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction the Board may make an order, in writing, limiting the amount of the rates and fares to be thenceforth charged by the Company for the conveyance of passengers for distances not exceeding two miles to twopence, and the Company shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time, after making any such order, revoke or modify the same, for good cause shown to them.

Passengers luggage.

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

Company not to carry goods.

39. The Company shall not carry upon 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.

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Cheap fares for labouring classes.

40. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least one carriage 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 artizans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Interest not to be paid on calls paid up.

41. The Company shall, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 16.

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

42. 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.

Company not exempt from provisions of any present or future general Tramway Acts.

43. 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 further 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.

44. 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.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1878.