CHAPTER ccxxi.

An Act to authorise the construction of Tramways in and near Southampton; and for other purposes. [10th August 1877.]

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Preamble recites 35 & 36 Vict. c. clxxxi.

WHEREAS an Act of Parliament was passed in the year one thousand eight hundred and seventy-two authorising the laying down of the tramways herein-after mentioned in and near Southampton, to be worked by animal power only, and also authorising the street improvement herein-after described, and conferring the powers herein-after contained on the Shirley Local Board of Health and on the trustees of the Romsey and Southampton turnpike road with respect to such improvement, and the Act incorporated a company for these purposes:

And whereas the powers conferred by the said Act for making so much of the tramways as did not depend on the control of the corporation of Southampton expired on the 6th August one thousand eight hundred and seventy-five, and no steps have been taken by the Company incorporated by the said Act to raise capital, or otherwise to carry into effect the purposes thereof:

And whereas it is expedient that the powers contained in the said Act should, with certain modifications thereof, be revived, and the persons herein-after named, with others, are willing at their own expense to construct the said tramways and to execute the undertaking authorised by the said Act:

And whereas plans and sections showing the lines and levels of the tramways and works, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of occupiers of the lands required or which may be taken for the purposes of the tramways, have been deposited with the clerk of the peace for the town and county of the town of Southampton, and with the clerk of the peace for the county of Southampton, and are herein-after referred to respectively as the deposited plans, sections, and books of reference:

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And whereas the purposes 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 the purposes as "The Southampton Street Tramways Act, 1877."

Certain provisions of general Acts herein named incorporated.

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

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;"

Section three and Parts II. and III. of "The Tramways Act, 1870;"

are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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

Interpretation of word "contingencies."

4. 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.

Company incorporated.

5. William Marshall Cochrane, Woodbine Cloete, George Thomas Harper, Alexander Clunes Sherriff, and all other persons and corporations who have already subscribed to or shall hereafter become

proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the tramways, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Southampton Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called "The Southampton Tramways."

Power to make tramways.

6. Subject to the provisions of this Act, and of Parts II. and III. of the Tramways Act, 1870, the Company may make, form, lay down, work, use, and maintain, in the line and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, the tramways hereinafter described, with all proper rails, plates, works, and conveniences connected therewith.

The tramways herein-before referred to and authorised by this Act are the following; (namely,)

Tramway No. 1. A tramway about two miles in length, commencing in the Avenue on the main upper turnpike road from Southampton to Winchester, near Alma Road, passing thence southward along the Avenue, Bellevue Place, Waterloo Place, East and West Marland Parks, Anglesea Place, and Marland Place, through Above Bar Street, Bargate, and High Street to Bridge Street, thence along Bridge Street, Bernard Street, Oxford Street, Terminus Terrace, and Canute Road, and terminating in the last-mentioned road at a point opposite the south-eastern corner of the South-western Hotel:

Tramways A, B, C, D, E, F, G, H, and I, being respectively short loops or passing-places connected with and subsidiary to tramway No. 1:

Tramway No. 2. A tramway two furlongs and five chains in length, commencing at the terminus of tramway No. 1 in the Canute Road as above described, and terminating at or near the junction of Floating Bridge Road with Canute Road:

Tramways K and L, being respectively short loops or passing-places connected with and subsidiary to tramway No. 2:

Tramway No. 3. A tramway about seven furlongs and five chains in length, commencing in the lower turnpike road from Southampton to Winchester, known as the Portswood Road, at the junction of the Highfield Lane near the "Belmont Inn" with that road, passing thence south-westward along the Portswood Road to Bevois Road, now called Lodge Road, thence along

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Bevois Road, now called Lodge Road, to the Avenue, and terminating there by a junction with the main line tramway No. 1 at a point twenty yards south of the junction of Bevois Road, now called Lodge Road, with the Avenue:

Tramways M and N, being respectively short loops or passing-places connected with and subsidiary to tramway No. 3:

Tramway No. 4. A tramway about one mile six furlongs and three chains in length, commencing in Shirley at the junction of Park Street with High Street, passing thence south-easterly along High Street, Shirley Road, and Romsey Lane, Four Posts Hill, Commercial Road, and the street in front of Anglesea Place, and terminating in that street by a junction with the main line of tramway No. 1 thirty-two yards south of the safety crossing at the east end of Commercial Road:

Tramways O, P, Q, and R, being respectively short loops or passing-places connected with and subsidiary to tramway No. 4:

All the tramways and works hereby authorised shall consist of a single line of tramway, and will be situated in the town and county of the town of Southampton, or in the county of Southampton.

For the protection of the corporation.

7. For the protection of the corporation the following provisions shall have effect and be binding on the Company; (that is to say,)

1. The Company shall, within nine months after the passing of this Act, commence the construction of the following portions of the tramways; (that is to say,) so much of tramway No. 1 as is situate between its commencement and the Ordnance Survey Office in Southampton, the whole of tramway No. 3, and so much of tramway No. 4 as is situate between its commencement at Shirley and a point opposite to the road leading from Southampton to Freemantle, called the Waterloo Road, and the short loops or passing-places connected with and subsidiary to those portions of the tramway as shown on the deposited plans, and shall proceed continuously with their construction, and shall complete the said portions of the tramways within one year and nine months from the passing of this Act:
2. The Company shall not commence the construction of the remaining portions of the tramways until the whole of the foregoing portions of the tramways have been completed, and after their completion the Company shall commence the construction of the remaining portions of the tramways and proceed continuously therewith, and shall complete the same

remaining portions of the tramways, and open the whole of the tramways for public traffic within two years and six months from the passing of this Act:

3. The tramways shall be laid with grooved rails, the groove of which shall not on the upper side thereof be more than one inch and one eighth of an inch in width, and the upper side of the rails shall be level with the surface of the road:

4. Tramway No. 1 from the said Ordnance Survey Office to its termination (except so much of that tramway as is situate between Brunswick Place and Commercial Road), and tramway No. 2 (except so much of that tramway as is situate between its commencement and the site of St. Lawrence Road), and the loops or passing-places connected with and subsidiary to those tramways, shall be paved with wood between the rails, and so much of the roads as extends eighteen inches beyond the rails of and on each side of those tramways shall be paved with granite sets; all to the reasonable satisfaction of the surveyor for the time being of the borough of Southampton:

5. The corporation may, if and when they think fit, by notice in writing, direct the Company at any time after the expiration of twenty-four hours from the service of such notice to stop, delay, or suspend the working of the tramways in any of the roads and streets within the borough for the purpose of facilitating traffic during the time of any public meeting, procession, or demonstration: Provided always, that such stoppage, delay, or suspension shall continue so long only as may be reasonably necessary for the purposes aforesaid, or any of them:

6. The corporation may and shall have power to use the tramways for sanitary purposes at any time between the hours of twelve o'clock at night and five o'clock in the morning, paying such tolls as may be agreed upon between the corporation and the Company:

7. It shall not be lawful for the promoters at any time to take up or set down any passenger or parcel, or to allow any passengers to enter or leave any of their carriages, between a point ten yards northward of the north side of Hanover Buildings and a point ten yards northward of the commencement of the subsidiary tramway F shown on the deposited plans; and if the promoters, or their officers or servants, take up or set down any passenger or parcel, or wilfully allow any person to enter or leave any of their carriages between

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the said points, they shall be for every such offence liable to a penalty not exceeding forty shillings; and any person entering or leaving or attempting to enter or leave any carriage of the promoters between the said points after having been warned by any servant of the promoters not to do so shall be liable to a like penalty of forty shillings:

8. The Company shall not, between the hours of eleven in the forenoon and half-past twelve in the afternoon on any Sunday or Christmas Day, run carriages on the tramways or any part thereof without the consent of the corporation:

9. The corporation, or their engineer or surveyor for the time being, shall at all times, on reasonable notice to that effect, or in case of emergency, without notice, have free access to and communication with all sewers and drains, public and private, under the control of or maintained or repaired by the corporation, and the manholes and other works in connexion therewith, and shall have power to construct such additional works, sewers, and drains, public or private, communicating therewith without the consent or concurrence of the Company; and the provisions contained in the thirty-second and thirty-third sections of "The Tramways Act, 1870," shall be applicable in the case of any such works as aforesaid, as though the same were a pipe for the supply of gas or water: Provided always, that if at any time after the passing of this Act any of such sewers or drains, whether public or private, or any of the other works of or belonging to or under the control of the corporation, shall be or become injured or damaged by reason or in consequence of any act, deed, matter, or thing of or by the Company or their servants, the Company shall, within six hours after notice to them by the clerk, engineer, or surveyor of the corporation, immediately repair and reinstate such sewer, drain, or other work at their own cost and to the satisfaction of the corporation or their engineer or surveyor; and if the Company fail so to do, the corporation are hereby empowered, at the cost, charge, and risk of the Company, to do what they deem necessary in order to the thorough and efficient repair and reinstatement of such sewer, drain, or other work as aforesaid, and to charge the costs thereof to the Company; and in default of payment by the Company on demand, the corporation may recover the said costs from the Company as liquidated damages in any court of competent jurisdiction.

Not to alter levels of streets.

8. The Company shall not in the construction of the tramways, or any of them, alter the levels of any street or road within the borough of Southampton without the previous consent in writing of the corporation.

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

9. For the protection of the London and South-western Railway Company (herein-after called the South-western Company), the following provisions with respect to the construction and maintenance of tramway No. 2 (in this section called the tramway) shall have effect; that is to say,

1. In the construction of the tramway across the several lines of rails of the South-western Company now laid on the level of the road known as Canute Road the same shall be constructed, and for ever maintained at the cost of the Company, with such section and description of rails, crossings, fastenings, and paving, and in accordance with such plan as shall be reasonably approved of by the engineer for the time being of the South-western Company, and under his superintendence and to his reasonable satisfaction, and the Company shall after the delivery to the South-western Company's engineer of such plan give the South-western Company fourteen days notice in writing of their intention to commence the works, and if at the expiration of such period of fourteen days the engineer of the South-western Company shall not have approved in writing of such plan a difference shall be assumed to have arisen which shall be settled in manner herein-after provided:

2. At any time within the period of fourteen days herein-before mentioned the engineer of the South-western Company may elect to carry out and construct the works proposed by the Company, so far as the same are within six feet of any rails of the South-western Company, and such works shall be so carried out and constructed at the sole expense in all things of the Company, but to their reasonable satisfaction:

3. During the construction and in the maintenance of the tramway the Company shall not stop or otherwise interfere with or obstruct the traffic of the South-western Company, except so far as may be reasonably necessary:

4. The traffic of the South-western Company shall at all times have precedence of the traffic of the Company, and the cars of the Company shall not approach or pass over any of the lines of the South-western Company at a greater rate of speed than four miles per hour, and the cars of the Company

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shall not on any pretence be permitted to stop upon any of the lines of the South-western Company:

5. In working and using the tramway the Company shall at all times before any car approaches or passes over any of such lines of rails announce and give proper and timely warning of the approach of such car by means of a bell or horn or other agreed means sounded from such car, and immediately upon the exhibition of a red flag or red light, or the ringing of a bell by any servant of the South-western Company, any such car shall be stopped before it passes over any line of the South-western Company, under a penalty of forty shillings liquidated damages for every neglect, provided that such stoppage shall last only for such time as may be reasonably required for the passage along such line of a train, carriage, or truck of the South-western Company:

6. If by reason of the execution of any of the works or any proceedings of the Company, or the failure of any such works, or any act or omission of the Company or their servants, the railways or any of the vehicles of the South-western Company shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their own expense; or in the event of their failing so to do, then the South-western Company may make good the same and recover the reasonable expense thereof, with full costs, against the Company in any court of competent jurisdiction:

7. Every car or carriage used on the tramway shall be constructed with an efficient break, and not more than one car or carriage shall be drawn by one team of horses:

8. In the event of any difference between the South-western Company or their engineer and the Company in regard to anything to be done under the provisions of this section, the same shall be settled by a referee to be agreed on between the Company and the South-western Company, or failing agreement, to be appointed by the Board of Trade in the manner provided by section 33 of the Tramways Act, 1870.

Power for Company to use tramways with flange-wheeled carriages,&c.

10. Section thirty-four of Part III. of "The Tramways Act, 1870, shall not be incorporated with this Act, and in lieu thereof the following provisions shall have effect:

The Company may use on their tramways carriages with flange wheels or wheels specially adapted to run on a grooved rail, and, subject to the provisions of this Act, the Company shall have the exclusive use of their tramways for carriages with

flange wheels or other wheels specially adapted to run on a grooved rail:

All carriages used on the tramways shall be moved by animal power only:

No carriage used on any tramway of the Company shall extend beyond the outer edge of the wheels of such carriage more than eleven inches on each side.

Power for police authorities to regulate traffic in streets.

11. Nothing in this Act shall limit or affect the power of the corporation or road authority to regulate the passage of any traffic along or across any road along or across which any of the Company's tramways are laid down, and the corporation or road authority may exercise their authority as well on as off the tramways, and with respect as well to the traffic of the Company as to the traffic of other persons.

Form and delivery of notices.

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

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

Capital.

13. The capital of the Company shall be fifty thousand pounds, in five thousand shares of ten pounds each.

No shares to issue under 10*l.*

Shares not to issue until two fifths paid up.

14. The Company shall not issue any shares created under the authority of this Act of less nominal value than ten pounds, nor shall any share vest in the person accepting the same, unless and until a sum not being less than two fifths of the amount of such share shall have been paid in respect thereof.

Calls.

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

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between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

16. The Company may from time to time borrow on mortgage any sum not exceeding in the whole sixteen thousand six hundred and fifty pounds, but no part thereof shall be borrowed until the whole of the said capital of fifty thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth 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 were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

17. 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.

As to debenture stock.

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

Mortgage to comprise purchase money paid on compulsory sale.

19. 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.

20. 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."

Priority of mortgages.

21. All moneys to be borrowed on mortgage under this Act, or the interest thereof, 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 to be incurred, or engagements entered into or to be entered into by them; but this priority shall not affect any claim against the Company in respect of land taken, used, or occupied by the Company for the purposes of this Act, or injuriously affected by the construction of the tramway, or by the exercise of any powers conferred on the Company.

Application of moneys.

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

First ordinary meeting.

23. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of February or March and of August or September in every year.

Quorum of general meetings.

24. The quorum of general meetings of the Company shall be six shareholders present in person or by proxy holding in the aggregate not less than five thousand pounds in the capital of the Company.

Number of directors.

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

Qualification of directors.

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

Quorum.

27. The quorum of a meeting of directors shall be three whilst their number is five and two when their number is three.

First directors.

28. William Marshall Cochrane, Woodbine Cloete, George Thomas Harper, Alexander Clunes Sherriff, and one other person to be nominated by them, and consenting thereto, shall be five of the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in

Election of directors.

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"The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Period for completion of works.

29. 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 tramways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

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

30. 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 one thousand seven hundred pounds, being five per centum upon the amount of the estimate in respect of the tramways, has been deposited with the Chancery Division of the High Court of Justice in respect of the application to Parliament for this Act: Be it enacted that, notwithstanding anything contained in the said Act, the said sum of money so deposited as aforesaid in respect of the application for this Act 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, unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramway either open the tramway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the tramways for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

31. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose

property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways, or any portion thereof, or who may 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 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 shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, 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 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: Provided that until the said sum of money 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 person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivor or survivors of them.

Lands by agreement.

32. The Company may from time to time purchase and acquire by agreement for the purposes of their undertaking such lands as they may require, not exceeding two acres; and they may also by agreement acquire by way of lease such lands as may be necessary for the purpose of depositing thereon spoil.

Gauge of tramways; inspection by Board of Trade.

33. Every tramway to be made, formed, or laid down under the powers of this Act shall be constructed with two rails on the gauge of four feet eight inches and half an inch, to be laid at a

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distance (reckoning from the outer edge of each rail) of five feet three inches from each other, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways always to be kept on level of surface of road.

34. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of the tramways is laid, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Penalty for not maintaining rails in proper order.

35. 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 and the substructure upon which the same rest; and if the Company at any time fail to comply with this provision, or with any 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.

Application of road materials excavated in construction of Company's works.

36. Any paving, metalling, or material excavated by the Company in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are 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 given to that effect, the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit; and 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 Company and any road authority.

Power to make additional crossings, &c.

37. The Company 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 no such additional works shall be constructed in Terminus Terrace or Canute Road in front of any property of the South-western Company without the consent in writing of that 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.

Power to improve Four Posts Hill, &c.

38. Subject to the provisions of this Act, and in accordance with the deposited plans and sections, the Company may widen and improve in the manner shown on the deposited plans so much of Shirley Road (otherwise Romsey Lane), Four Posts Hill, and the Commercial Road as lies between a point on the said first-mentioned road, in the parish of Millbrook, about two hundred and fifteen yards north-west of the junction of that road or lane with Four Posts Hill, and a point in the Commercial Road, in the parish of All Saints, near the northern end of Mount Place, and may alter the levels of the said portion of road in the manner shown on the deposited section, and may enter upon, take, and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be necessary for the purpose of such widening and improving; provided that in such alteration the Company may deviate from the levels so shown to an extent not exceeding two feet; and provided also, that when the said improvement shall have been effected to the reasonable satisfaction of the road authorities having the control of the said portions of street respectively, the same portions of street so improved shall be vested in and be controlled, maintained, and repaired by the same authority; but this section shall not affect or vary any obligation of the Company to maintain and repair any portions of street under the provisions of "The Tramways Act, 1870."

Certain provisions of Tramways Act, 1870, to apply to

39. The provisions contained in section 30 (provisions as to gas and water companies) of "The Tramways Act, 1870," shall be

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applicable to the improvement referred to in and authorised by the last preceding section as if that improvement were a tramway authorised by this Ac

Sewer authority to have access to sewers.

40. The local authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains and pipes to communicate therewith, without the consent or concurrence of the Company, and the 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.

Power to local authority and road authority to effect or contribute to the improvements.

41. Any one or more of the following bodies or persons; videlicet,

1. The Local Board of Health for the district of Shirley (hereinafter called "the Shirley Local Board"); and
2. The trustees for the time being acting in execution of the trusts of the Romsey and Southampton turnpike road (hereinafter called "the trustees");

may, if they think fit, either themselves effect the said improvement or contribute moneys towards the expense of effecting the same, and they, or any of them, may from time to time enter into such agreements either with the Company or with each other as may be requisite or expedient for that purpose.

Power to local authorities and road authorities to raise and apply funds for improvements.

42. Towards the expense of making such improvement, or towards such contribution, the Shirley Local Board may apply out of the general district rate for the district of Shirley, and the trustees may apply out of any moneys under their control, such sums as they may hereafter respectively agree, or they may severally borrow at interest upon mortgage of the said general district rate, and the tolls and other revenue of the trustees respectively, such sum or sums of money as aforesaid.

Tolls for passengers.

43. The Company may demand and take for every passenger travelling upon the tramways, or any part thereof, including tolls for the use of the tramways and the carriages and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile, (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile,) but the Company may charge for any less distance than three miles any sum not exceeding threepence: Provided always, that if at any time after one year from the opening for public traffic of any portion of the tramway it is represented in

writing to the Board of Trade by the local authority of any district in which such portion is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, that the Company are charging a greater sum than twopence for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of "The Tramways Act, 1870," and if such referee report that the truth of such representation has been proved to his satisfaction, the said 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.

44. 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 to carry parcels.

45. The Company shall carry small parcels, but they shall not be bound to deliver the same, except at the termini of their tramways, or at such other place or places as the Company may from time to time determine.

Tolls for small parcels.

46. The Company may demand and take for small parcels, not exceeding one hundred and twelve pounds in weight, any tolls not exceeding the following:

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

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

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

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

For any parcel exceeding fifty-six pounds, any sum which the Company think fit:

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

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Cheap fares for labouring classes.

47. The Company at all times after the opening of the tramways, or any part 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 five in the evening respectively, as the corporation think most convenient, for artizans, 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), and the Company shall be liable to a penalty of not exceeding five pounds per day for every day on which they fail to run any such carriage, such penalty to be payable to and recoverable by the corporation: Provided always, that the Company shall not be liable to any such penalty if the failure to run any such carriage arises from any act of the corporation or their officers, or from circumstances over which the Company have no control: Provided also, that in case of any complaint made to the Board of Trade of the hours appointed by the corporation for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Provision as to purchase by corporation.

48. In case the corporation shall at any time after eleven years from the completion of any portion of the tramways within the borough of Southampton, but not later than twenty-one years after the passing of this Act, desire to purchase the tramways by this Act authorised to be constructed within the borough of Southampton, and the works, materials, and equipment connected therewith, and any lands or buildings acquired for the purposes of such tramways exclusively, and shall apply to Parliament for powers so to do, and to enable the Company to sell the same, the Company shall not object to or oppose such application, and shall assent thereto and do all things necessary, and render all needful facilities for obtaining such powers; and in the event of such powers being obtained shall accordingly sell the said tramways and premises to the corporation, and the terms of every such purchase shall, failing agreement between the corporation and the Company, be determined by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," for the settlement by arbitration of questions of disputed compensation.

Authorising agreements for the use of tramways.

49. The Company may from time to time enter into and carry into effect contracts, agreements, and arrangements with any other Company, or with any person, for or with respect to the use by such

other company or person of the tramways, or any of them, or any part or parts thereof respectively, and the tolls, rates, and charges to be paid for such use, and the terms and condition of such use, and all incidental matters.

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 by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

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 tramway or to execute any other work or undertaking.

Provision as to general tramway Acts.

52. Nothing herein contained shall be deemed or construed to exempt the tramways by this Act authorised to be made 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.

Reserving rights of Corporation of Southampton.

53. Except as is by this Act expressly provided, nothing in this Act contained shall extend or be construed to extend to affect, prejudice, alter, abridge, or take away any rights, estates, powers, immunities, and advantages or privileges whatsoever belonging or appertaining to the corporation, either in their capacity of municipal corporation or sanitary authority.

54. 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

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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:

Power for Postmaster General to annex conditions.

(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 of entry for Postmaster General.

(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:

Compensation by Company to Postmaster General, and penalty.

(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:

(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 continue in force for only one year, &c.

55. 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.

Expenses of Act.

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