CHAPTER cxxxviii.

An Act for authorising the making of new Streets and Improvements of Streets, and the laying down of Tramways, in and near Swansea; and for other purposes. A.D. 1874.

[16th July 1874.]

WHEREAS the borough of Swansea, in the county of Glamorgan, (in this Act called the borough,) is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act called the Corporation):

And whereas in parts of the borough the streets are narrow and irregular and incommodious, and many of the houses therein are old and badly situate, and in bad condition in sanitary respects; and by reason of the narrowness of these streets, and from other causes, the communication between different parts of the borough is defective, and the trade and convenience of the inhabitants are thereby obstructed:

And whereas the Corporation, in their municipal capacity, and as being by the council the sanitary authority for the borough with all the powers and authorities of an urban sanitary authority, are desirous that the disadvantages aforesaid should, as far as practicable, be removed:

And whereas the persons in this Act named, with others, are willing at their own expense, with the aid of the Corporation, to remove those disadvantages, as far as practicable, by making new streets and improvements of existing streets, and by taking down old houses, and by opening out spaces, and by laying down tramways on new streets made by them and on existing streets, on their being incorporated, and on proper powers in that behalf being conferred on them and on the Corporation:

And whereas the execution of such undertaking as aforesaid would be of local and public advantage, and it is expedient that the same be authorised accordingly:

And whereas it is expedient that, in connexion with the tramways part of the undertaking, powers be conferred for the acquisi-

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tion or use of the Oystermouth Railway or Tramroad, (which railway or tramroad was authorised by the 44th George the Third, chapter 55,) and for the use of a portion of the Cwm Tramway, both which are laid down partly within the borough:

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

And whereas plans and sections, describing the lines, situations, and levels of works intended to be authorised by this Act, and delineating the lands intended to be authorised to be taken under this Act, and a book of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of those lands, and describing those lands, have been deposited with the clerk of the peace for the county of Glamorgan (which are in this Act referred to as the deposited plans, sections, and book of reference):

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,)

I.—PRELIMINARY.

Short title.

1. This Act may be cited as The Swansea Improvements and Tramways Act, 1874.

Provisions of certain general enactments incorporated.

2. The following enactments (as far as they are applicable for the purposes of and not inconsistent with this Act) are hereby incorporated with and shall be part of this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Acts):

The Companies Clauses Consolidation Act, 1845; Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act, 1863; and the Companies Clauses Act, 1869:

And the contingency of the tramways undertaking under this Act being sold to the local authority under section 43 of the Tramways Act, 1870, at a sum less than the aggregate amount of the share and loan capital and debts of the Company shall be deemed to be a contingency within section 122 of the Companies Clauses Consolidation Act, 1845.

Interpretation of terms.

3. In this Act—

"The Company" means the Company incorporated by this Act:

"The street improvements" means the new streets and improvements of streets by this Act authorised, and the works connected therewith:

"The tramways" means the tramways by this Act authorised, or any of them, or any part thereof, and the works connected therewith:

"The tramway undertaking" means the undertaking authorised by this Act, as far as it comprises or relates to the tramways:

"The undertaking" means the whole undertaking of the Company, including the tramway undertaking:

"Street" includes a road as defined in the Tramways Act, 1870, and the surface, pavement, soil, and subsoil of a street:

"Street authority" includes a road authority as defined in the Tramways Act, 1870:

"Person" includes corporation and company:

And the term "the undertaking" used in the Tramways Act, 1870, shall, for purposes of this Act, mean the tramway undertaking, and that only; and, subject to the provisions of this Act, words defined in or having special meanings in the Tramways Act, 1870, have in this Act the same meanings.

II.—Company.

Incorporation of Company.

4. Charles Bath, George Bower, Thomas Cory, and all persons and corporations from time to time subscribing to or hereafter becoming proprietors in the undertaking, and their executors, administrators, successors, and assigns, shall be and are hereby united into a Company for the purposes of this Act, and for those purposes are hereby incorporated by the name of The Swansea Improvements and Tramways Company, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, and hold and dispose of (by grant, demise, or otherwise,) lands and other property for the purposes of this Act.

Share capital.

5. The share capital of the Company shall be two hundred thousand pounds in twenty thousand shares of ten pounds each.

Shares not to issue until one fifth part paid up.

6. The Company shall not issue any share, nor shall any share vest in the person accepting it, unless and until a sum not less than one fifth of the nominal amount of the share is paid in respect thereof.

Calls.

7. One fifth of the nominal amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the nominal amount of a share shall be the greatest aggregate amount of the calls thereon in a year.

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Receipts for infants and lunatics.

8. If any money is payable to a shareholder being an infant or a lunatic, the receipt of his guardian or of the committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

9. Subject to the provisions of this Act, the Company may from time to time divide any share in their capital into half shares, of which one shall be called preferred half share, and the other deferred half share, but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum on such share has been paid up, and on every such division fifty per centum on the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

10. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company on the amount for the time being paid up on the preferred half share; and the remainder, if any, in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

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

11. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there are not profits available for payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

12. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued; and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be

delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

13. The terms on which any half share is issued shall be stated on the certificate thereof.

Forfeiture of preferred shares.

14. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment of calls shall apply to preferred half shares, and every such half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled or surrendered.

15. No preferred half share shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

16. The several half shares shall be half shares in the capital of the Company; and every two half shares (whether preferred or deferred, or one of each,) held by the same person shall confer such right of voting at meetings, and (subject to the provisions of this Act) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow on tramway undertaking.

17. The Company may from time to time borrow on mortgage of the tramway undertaking any sum not exceeding in the whole eight thousand seven hundred and fifty pounds, but no part thereof shall be borrowed until the capital of the Company to the extent of thirty-five thousand pounds is issued and accepted for the purposes of and in respect of the tramway undertaking, and one half of that amount is paid up, and the Company have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the capital has to that extent 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 that capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that that capital was issued in good faith, and is held by the persons to whom the same was issued, or their executors, administrators, successors, or assigns, and that those persons, or their executors, administrators, successors, or assigns, are legally

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liable for the same; and on production to a justice of the books of the Company, and of such other evidence as he thinks sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence of the matters certified.

Mortgage to comprise purchase money paid on compulsory sale, &c.

18. Every mortgage of the tramway undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act, 1870, and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage: Provided always, that any lands which may be acquired by the Company in making any of the street improvements shall not form part of the tramway undertaking.

Indorsement of notice of power of purchase.

19. Every deed of mortgage of the tramway undertaking shall be endorsed with notice that the mortgage will not be a charge upon the tramways in the event of their being purchased by the local authority under section 43 of the Tramways Act, 1870.

Receiver for mortgagees of tramway undertaking.

20. The mortgagees of the tramway undertaking may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver of that undertaking. 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 in the whole than one tenth part of the amount for the time being borrowed on mortgage of the tramway undertaking, and remaining undischarged.

Priority of mortgages over other debts.

21. All money raised by the Company on mortgage of the tramway undertaking shall have priority against the Company and the tramway undertaking over all other claims on account of any debts incurred or engagements entered into by them with respect to the tramway undertaking, but this priority shall not affect any claim against the Company or the tramway undertaking in respect of any rentcharge granted by the Company under the Lands Clauses Acts, issuing out of lands taken by them for purposes of the tramway undertaking, or in respect of any rent or sum received by or payable under any lease granted or made by them, and entitled to rank in priority to or equally with interest on their mortgages, or any claim for land taken, used, or occupied by them for purposes of the tramway undertaking, or injuriously affected by the exercise of any power of the Company relating to the tramway undertaking.

Debenture stock.

22. The Company shall not create debenture stock.

Separate tramway accounts.

23. The accounts of the Company relating to the tramway undertaking shall be kept separate and distinct from those relating to the street improvements.

Interest not to be paid on calls paid up.

24. The Company shall not, 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.

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

25. 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.

Application of Company's money.

26. All money raised by the Company under this Act, whether by shares or on mortgage, shall be applied for purposes of this Act only.

First ordinary meeting.

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

Number of directors.

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

Qualification of directors.

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

Quorum.

30. The quorum of a meeting of directors shall be three.

First directors.

31. Charles Bath, George Bower, Thomas Cory, John Thomas Emmerson, John Morrison, John Crow Richardson, and Joseph Smethurst shall be the first directors of the Company, and shall continue in office until the first ordinary meeting after the passing of this Act; at that meeting the shareholders may either continue in office the then directors, or any of them, or elect a new body of directors, or directors to supply the place of those not continued, the then directors being, if qualified, eligible; and at the first ordinary meeting in every year thereafter the shareholders shall (subject to their power of reducing the number of directors) elect persons to supply the places of the directors then retiring according to the Companies Clauses Consolidation Act, 1845; and

Election of directors.

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the persons then elected, 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 that Act.

III.—Lands.

Power to take lands referenced.

32. The Company may from time to time, subject to the provisions of this Act, enter on, purchase, take, and use the lands delineated and described in the deposited plans and book of reference.

Correction of errors, omissions, &c.

33. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Company may apply to two justices for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction; and if it appears to the justices that the same arose from mistake, they shall so certify, stating the particulars thereof; and their certificate shall be deposited (as regards both the county and parish) as if the same had originally formed part of the deposited plans or book of reference (as the case may be), and shall be kept therewith, and shall be deemed to be part thereof, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Company may enter on, purchase, take, hold, and use the lands to which the certificate relates accordingly.

Houses of labouring classes.

34. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes, as tenants or lodgers, make known their intention to take the same by placards, hand-bills, or other general notice placed in public view upon or within a reasonable distance from such houses, and shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Period for compulsory purchase of lands.

35. The powers of the Company for the compulsory purchase of lands for the purposes of the street improvements and tramways by this Act authorised shall not be exercised after the expiration of three years from the passing of this Act; and the said powers shall not, as regards any other lands which the Company are under this Act authorised to acquire, be exercised after the expiration of five years from the passing of this Act.

Power to grant building leases.

36. The Company, when and as they think fit, may lease any lands taken by them, and not made to form part of a street, to any person building or agreeing to build thereon, with such stipulations respecting the class, plan, height, elevation, and other particulars of the building, and such other stipulations, and with such covenants and conditions, for such term or interest, at such rent, or for such other consideration as the Company in each case think fit, subject, nevertheless, to all enactments, byelaws, and regulations governing building in the borough.

Power to sell land without previous lease.

37. The Company may, if they think fit, without granting or agreeing to grant a lease of lands, sell and dispose thereof, and convey the same to the purchaser, for such consideration, and on and subject to such terms and conditions, and under such covenants and agreements on the part of the purchaser with respect to the class of building to be erected thereon, and the plan, height, elevation, and other particulars thereof, and the time and manner of the building thereof, and with respect to any other matter relating thereto, as the Company think fit.

Provision respecting property of William Edmond.

38. Whereas William Edmond, of Windsor Lodge, Swansea, is or claims to be the owner of a certain property consisting of lands, houses, and premises fronting Orchard Street, Waterloo Street, and Gower Street, within the borough, part of which property is distinguished by a red colour and part by a blue colour on a plan signed by Joseph Kincaid on behalf of the Company and by David Hughes Jones on behalf of the said William Edmond (herein-after called the signed plan), and it has been agreed that such property shall only be purchased and acquired by the Company on the following terms and conditions: Therefore those terms and conditions shall be obligatory on the Company and the said William Edmond respectively:

(1.) If the Company desire to purchase the portion of property coloured red on the signed plan for the purpose of the street improvements, they shall serve notice of their intention to purchase the same upon the said William Edmond within twelve months after the passing of this Act, and at the same time pay him the sum of one thousand pounds:

(2.) If within two years after such notice and payment as aforesaid the Company shall deposit four thousand pounds in one of the banks at Swansea in the joint names of the said William Edmond and the chairman of the Company, and shall deliver the receipt for such deposit, with an order to pay the interest thereon, to the said William Edmond, (such interest to be retained by him in part payment of the rent payable to him as

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herein-after provided,) he shall execute a conveyance to the Company of the said property coloured red, and they shall then be entitled to take possession thereof and remove the buildings therefrom:

(3.) The Company shall not purchase or take any of the property coloured blue on the signed plan, but upon the deposit of the four thousand pounds they shall be entitled to possession thereof for the purpose of building, and shall within two years thereafter build thereon dwelling-houses and shops of a class at least equal to the present buildings; and the said William Edmond shall, as and when each such dwelling-house or shop is completed, grant a lease thereof with the usual covenants to the Company for ninety-nine years from the twenty-ninth day of September one thousand eight hundred and seventy-four, it being agreed that in respect of the said property coloured blue there shall be an annual rent of three hundred and fifty pounds payable quarterly to the said William Edmond from the twenty-ninth day of September one thousand eight hundred and seventy-four; such rent, if necessary, to be apportioned among the buildings to be erected on the said property according to the value of such respective buildings, and to be as nearly as may be in the proportion of ten leases at thirty-five pounds per annum each:

(4.) When buildings shall have been erected and leases granted, producing, with the interest on the sum deposited as aforesaid, upwards of thee hundred and fifty pounds per annum, a portion of the sum deposited representing the excess shall be released and repaid to the Company, and so from time to time as often as such excess shall accrue:

(5.) The Company shall arrange with and relieve the said William Edmond of all compensation to tenants, and of all other claims, in respect of the property coloured red and blue respectively on the signed plan after the twenty-ninth day of September one thousand eight hundred and seventy-four:

(6.) Any question which may arise between the Company and the said William Edmond under this enactment shall be referred to and determined by an arbitrator, to be appointed, on the application of either party, by the president for the time being of the Royal Institute of British Architects.

Power to borrow on mortgage of lands.

39. In addition to and independently of the power of borrowing the sum of eight thousand seven hundered and fifty pounds on the security of the tramway undertaking conferred on the Company by this Act, they shall have power from time to time to borrow, on

the security of the lands and buildings comprised in the undertaking, or any specific portion of those lands or buildings, and not being part of the tramway undertaking or to form part of a street, any money not exceeding in the whole at one time the sum of seventy-three thousand five hundred pounds, subject and according to the following provisions; (that is to say,)

(1.) They may mortgage, by grant, demise, or otherwise, the lands and buildings aforesaid, or any specific portion thereof, for securing repayment of the money borrowed, with interest, with such power of sale (if any), and such other powers and provisions (if any), and generally on such terms and conditions as the Company and any lender of money agree on:

(2.) Every mortgage under this section shall be a separate security distinct from any other security from time to time given by the Company, and shall not be deemed a mortgage within any enactment incorporated with this Act, and the person entitled to the money thereby secured shall not be deemed a mortgagee within any such enactment:

(3.) Money borrowed under this section shall not in any case exceed one half of the amount of the purchase money paid or contracted to be paid by the Company to the vendor for the purchase of the specific portion of property on mortgage whereof the money is borrowed; and the amount of purchase money contracted to be paid shall in each case be ascertained by a certificate of a justice, and on production of the books of the Company, with any other evidence appearing to him sufficient, a justice shall grant a certificate accordingly, and the same shall be sufficient evidence of the matters therein certified.

Obligation to sell lands and rents.

40. The Company shall, within fifty years from the passing of this Act, sell and absolutely dispose of and convey all lands and all rents and other interests in lands belonging to them, and not required for purposes of the tramway undertaking, and not actually laid into streets.

Application of purchase money, and cesser of land powers, &c.

41. The Company shall from time to time apply all money received by them from the sale or disposition of any lands and rents, or other interests in lands, in the manner and in the order following, and not otherwise; (that is to say,)

First, in or towards discharge of money borrowed by the Company under this Act otherwise than on mortgage of the tramway undertaking, and any arrears of interest thereon:

Secondly, in or towards payment or discharge of any other debt or liability of the Company:

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Thirdly, in distributing the same among the shareholders of the Company rateably in proportion to the nominal amounts of their holdings in the paid-up share capital of the Company:

And when the Company have sold and disposed of all their lands and rents, and other interests in land, and have distributed the proceeds thereof, their powers under this Act (except as regards the tramway undertaking) shall cease.

IV.—Street Improvements.

Description of street improvements, with power to deviate.

42. The Company are hereby empowered to execute, form, and maintain from time to time, in the lines and according to the levels shown on the deposited plans and sections, as far as lines and levels are shown thereon, street improvements as follows; (that is to say,)

(A.) To raise and widen the Neath turnpike road, where it crosses the Cwm Tramway:

(B.) To make a new steeet between that turnpike road and High Street, and to raise and widen the viaduct over the Cwm Tramway and the Cwm Road:

(C.) To make a new street in continuation of Trinity Place to High Street:

(D.) To widen Castle Bailey Street:

(E.) To widen College Street, Gower Street, and Orchard Street:

(F.) To widen Wind Street by taking down and removing the block of buildings known as Island House, and by throwing the site thereof into the street:

(G.) To widen Saint Mary Street, Grove Place, Saint Helen's Road, Rutland Street, and Wassail Street:

Provided always, that all street improvements, including the alterations in the viaduct over the Cwm Tramway, shall with all reasonable speed be made and completed, to the satisfaction of the surveyor of the borough of Swansea, in the order of rotation specified in the first schedule to this Act, or in such altered order as the Corporation and the Company shall in writing agree to, and shall be subject in all respects to the byclaws for the time being in force within the borough with respect to streets and street improvements, and the erection of houses and other buildings, and to the Sanitary Acts; and the contributions to be made by the Corporation, and apportioned over those improvements under the provisions of this Act, shall be in accordance with such order or altered order of rotation as aforesaid, and the Corporation may pay their contributions by instalments at such times as they think fit.

Period for completion of street improvements.

43. The Company shall, with all reasonable speed, begin and carry out the street improvements hereby authorised; and if the street improvements are not completed within five years after the passing of this Act, the powers by this Act granted for execution thereof, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to make minor works connected with new streets, &c.

44. Subject to the provisions of this Act, and upon the lands shown upon the deposited plans, the Company, in connexion with the street improvements and for the purposes thereof, may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the street improvements, and make diversions, widenings, or alterations of lines or levels of any existing streets, for the purpose of connecting the same with the street improvements, and may remove, alter, divert, enclose, use, or appropriate all or part of any street, stream, drain, sewer, watercourse, void ground, or other property within the limits of deviation marked on the deposited plans, first providing a proper substitute before interrupting the flow of sewage in any drain or sewer: Provided always, that the approval of the Corporation to the construction of any such improvements, widenings, or works shall not render them liable for any damage which, directly or indirectly, may arise during or by reason of the construction of such improvements, widenings, or works.

For protection of the Crug Glass chapel-yard.

45. And whereas in making the street improvements the Company will or may take a portion of the Crug Glass Chapel-yard situate in Swansea: Therefore any coffins or remains removed from the said burial ground shall be reburied in vaults or walled graves, and be enclosed therein by stonework or brickwork properly cemented, not again to be disturbed; and such remains shall be removed early in the morning when least likely to attract attention, and not except in the presence of some person appointed by the trustees of the chapel, and satisfactory to the town council, to see that the remains are treated with proper decency; and any precautions directed by the officer of health of Swansea for the protection of the men employed shall be observed.

Alterations of gas and water pipes.

46. In executing the new street improvements the Company may, subject to the approval of the Corporation and the provisions of this Act, raise, sink, or otherwise alter the position of any watercourse, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of the improvements, and any main or other pipe used for carrying water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes,

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and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making reasonable compensation for damage caused by them.

Soil of streets stopped up.

47. Subject to the rights of owners of property adjoining or abutting thereon, the ground and soil of such part of the streets and of the void ground as are coloured red upon a plan signed by the Right Honourable John Thomas Lord Redesdale, and deposited in the office of the clerk of the Parliaments, and the fee simple thereof, shall by virtue of this Act vest in the Company: Provided always, that nothing in this Act contained shall authorise the Company to alter or interfere with such streets unless and until new approach roads shall have been made and completed by the Company to the satisfaction of the Corporation.

Power to sell materials.

48. The Company may sell the materials of buildings taken by them, and may dispose for their own purposes of the proceeds thereof.

Stoppage of streets during execution of Act.

49. Subject to the provisions of this Act, the Company may, during the execution of the street improvements, with the sanction of the Corporation, stop up the carriageway or footway of any street as they think necessary, and for that purpose may put up bars, posts, and other erections, but in every such case the Corporation may make such order for regulating traffic as they think fit.

Power to make cellars, &c.

50. The Company in connexion with a street improvement may from time to time, with the sanction and approval of the Corporation, construct, erect, and provide such vaults, cellars, arches, sewers, drains, and other works and conveniences as they think fit upon any lands of the Company.

Power to lay out footways, &c.

51. The Company, with the approval of the Corporation, may cause such part of the site of any street improvement as they think fit to be laid out for carriageway, and such part thereof as they think fit for footway.

Ground to form part of streets.

52. When a street improvement is completed to the satisfaction of the Corporation, all the land laid open into the street, and paved, macadamised, or otherwise formed, shall be part of the street, and open for public use accordingly, and shall be under the care and management of and shall vest in the Corporation as other streets in the borough, and shall, without prejudice to the liabilities of the Company in respect of the tramway undertaking, be maintained, repaired, paved, cleansed, and lighted accordingly.

V.—Corporation.

Power for Corporation to appoint committee.

53. The Corporation may from time to time appoint a committee of the council of the borough to manage the business devolving on the Corporation under this Act, and that committee shall have such of the powers, authorities, and discretion by this Act conferred on and reposed in the Corporation as the Corporation from time to time think fit to delegate to that committee; provided always, that the acts of every such committee shall be submitted to the council for their approval.

Control of Corporation over works.

54. All works of the Company in respect of the street improvements affecting sewers, mains, and other pipes, drains, and pavements, shall be executed to the satisfaction of the Corporation, and in accordance with plans to be agreed on from time to time between the Company and the Corporation, or, in default of agreement, to be settled by a competent person appointed by the Local Government Board; but this provision shall not supersede the provisions of "The Tramways Act, 1870," as to the settlement of any dispute which may arise between the Company and the Corporation with respect to any of the tramways.

Contribution by Corporation.

55. The Corporation, in consideration of the benefit to be derived by the town from the street improvements, shall pay to the Company, as a contribution towards the expense thereof, the sum of twenty-five thousand pounds, which sum shall be apportioned over those improvements in the amounts set forth in the first schedule to this Act, and the amount there set opposite to each of the improvements shall be paid by the Corporation on a certificate of the due completion of that improvement being given by the surveyor of the borough.

Application of contribution.

56. All money received by the Company from the Corporation shall be applied as the share and loan capital of the Company is by this Act directed to be applied.

Agreements between Corporation and Company.

57. The Corporation and the Company may, subject to the provisions of this Act, from time to time enter into and carry into effect agreements relative to all or any of the following matters; (that is to say,)

(1.) The execution of any of the powers of this Act, and the supervision or control of the Corporation over any of the works or proceedings of the Company:

(2.) The order, time, and manner in which works are to be executed:

(3.) The accommodation to be provided for traffic during the execution thereof:

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(4.) The precautions to be taken for prevention of accidents to passengers, and other accidents during the execution thereof:

(5.) The times and mode of payment of parts of the contribution of the Corporation.

Application of corporate funds.

58. For the purposes of the contribution of the Corporation, they may from time to time apply any money in their hands received under any Act relating to them, and not required for purposes of that Act.

Power for Corporation to borrow.

59. For the purposes of the contribution of the Corporation, they may from time to time borrow at interest, on the security of their corporate estates, the borough fund, and borough rate, any sums not exceeding in the whole twenty-five thousand pounds, and may mortgage such estates and the borough fund and borough rate to secure repayment of the money borrowed, with interest, accordingly.

Form of mortgage.

60. Every mortgage made by the Corporation for purposes of this Act shall be by deed under their common seal duly stamped, and truly stating the consideration; but, unless it is in any mortgage deed otherwise expressed, all money borrowed by the Corporation under this Act shall rank together equally, without priority on account of the date of the mortgage, or on any other account.

Payment off of mortgages by instalments or sinking fund.

61. The Corporation shall, within forty-five years from the passing of this Act, pay off all money borrowed by them on mortgage under this Act, either by annual instalments or by means of a sinking fund appropriated and accumulated for that purpose, but the Corporation shall not be bound to pay any sum of money into the sinking fund or by way of instalments until the expiration of five years from the passing of this Act.

Power to re-borrow.

62. If the Corporation at any time pay off otherwise than by instalments or by means of a sinking fund any money borrowed by them on mortgage under this Act, they may from time to time re-borrow the same, or any less amount, on mortgage, subject and according to the provisions of this Act relating to borrowing on mortgage.

Protection of lenders from inquiry.

63. Any person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application of that money, or of any part thereof.

Annual return to Local Government Board with respect to sinking fund.

64. The treasurer of the borough, as the treasurer of the Corporation acting by the council as the urban sanitary authority, shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid by way of instalment under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that board, and verified by statutory declaration if so required by them, showing the amount which has been paid off by way of instalment, and the amount which has been invested for the purpose of such sinking fund, during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, the said treasurer shall be liable to a penalty of not exceeding twenty pounds. If it appears to the Local Government Board, by such return or otherwise, that the Corporation as such urban sanitary authority have failed to pay by way of instalment, or to set apart for the sinking fund, the sum required by this Act, or have applied any portion of the money set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which the default is made be set apart and invested as part of the sinking fund, and their order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Saving for existing charges.

65. Nothing in this Act shall prejudicially affect any charge on the Corporation estates, or on the borough fund and borough rate, by way of mortgage or otherwise, subsisting at the passing of this Act; and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority and all the like rights and remedies as if this Act had not been passed; and all such charges as aforesaid subsisting at the passing of this Act shall, during the subsistence thereof, have priority over any mortgage granted under this Act.

Member of council not disqualified by holding shares, &c.

66. A person holding or acquiring any share, stock, or interest in the capital of the Company shall not thereby be disqualified for becoming or continuing mayor, alderman, or councillor of the borough, or incur any penalty, but he shall not take part in any vote, proceeding, or discussion in the council on any matter relating to the Company.

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VI.—Tramways.

Power to make tramways.

67. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act, 1870, the Company may make, lay down, and maintain, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance therewith, the tramways shown on the deposited plans, which comprise the following; (that is to say,)

(1.) A tramway (No. 1. single line), one mile four furlongs four chains and fifty links in length, commencing at a point in Walter's Street opposite to the junction of Bryn-y-Mor Road with Walter's Street, and passing thence along Walter's Street, Henrietta Street, Saint Helen's Road, Dillwyn Street, Singleton Street, Nelson Street, Greenfield Street, Wassail Street, Rutland Street, and Victoria Road, and terminating by a junction with the Oystermouth Railway in the last-named road one hundred feet or thereabouts east of the north-eastern end of Jeffrey's Place in the Oystermouth Road:

(2.) A tramway (No. 2. single line), four furlongs two chains and fifteen links in length, commencing by a junction with the Oystermouth Railway at a point one hundred feet south-west of the junction of the centre of Saint Helen's Road with the centre of the Oystermouth Road, and passing thence in a north-easterly direction across the Oystermouth Road and along Saint Helen's Road, and terminating in that road at a point opposite the centre of Henrietta Street:

(3.) A tramway (No. 3. single line), three furlongs one chain and thirty-five links in length, commencing by a junction with tramway No. 1. at the junction of Northampton Place (otherwise Saint Helen's Road) with Dillwyn Street, and passing thence in an easterly direction along Northampton Place (otherwise Saint Helen's Road), Heathfield Street, Gower Street, College Street, and High Street, and terminating in the last-mentioned street fifty feet or thereabouts north-east of the north-easternmost corner of College Street:

(4.) A tramway (No. 4. single line), one mile in length, commencing in the Victoria Road by a junction with the Oystermouth Railway, seventy-eight feet or thereabouts from and south of the north-eastern corner of the Harbour office, and passing thence across the Victoria Road into and along Mount Street, Wind Street, Castle Square, Castle Bailey Street, High Street, along the new street from High Street, near the junction thereof with Jockey Street, to the Neath turnpike road, and terminating in the last-mentioned road at a point forty feet or

thereabouts north of the centre of Villiers Street at its junction with the Neath turnpike road :

(4 A.) A tramway (No. 4 a. single line), three furlongs four chains twenty links in length, commencing in the Victoria Road by a junction with the Oystermouth Railway at the commencement of tramway No. 4, and passing thence across the Victoria Road into and along Mount Street, Wind Street, Castle Square, Castle Bailey Street, and High Street, and terminating in the last-mentioned street at a point opposite to the centre of King Street at its junction with High Street :

(4 B.) A tramway (No. 4 b. single line), two furlongs four chains and thirty-eight links in length, commencing by a junction with tramway No. 4. in High Street, opposite to the centre of Jockey Street at its junction with High Street, and passing thence along the new street from High Street near the junction thereof with Jockey Street to the Neath turnpike road, and into and along the Neath turnpike road, and terminating in that road forty feet or thereabouts north of the centre of Villiers Street at its junction with the Neath turnpike road :

(5.) A tramway (No. 5. single line), two miles six chains and ninety links in length, commencing in the Neath turnpike road by a junction with tramway No. 4. at its point of termination herein-before described, and passing thence in a north-easterly direction along the Neath turnpike road, and terminating in that road at the point of junction of the centre of Martin Street with the centre of the Neath turnpike road :

(5 A.) A tramway (No. 5 a. single line), one chain in length, wholly in the Neath turnpike road, commencing by a junction with tramway No. 4 b. at its termination, and passing thence for a distance of one chain in a northerly direction along the said road, and terminating by a junction with tramway No. 5. at a point one chain from its commencement :

(5 B.) A tramway or passing place (No. 5 b. single line), three chains in length, wholly in the Neath turnpike road, commencing and terminating by junctions with tramway No. 5. at points respectively three chains and six chains south of the junction of Bowen Street with the Neath turnpike road :

(5 C.) A tramway or passing place (No. 5 c. single line), three chains in length, wholly in the Neath turnpike road, commencing and terminating by junctions with tramway No. 5. at points respectively opposite to and three chains south of the south-eastern corner of the Half-way House public-house :

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(5 D.) A tramway or passing place (No. 5 d. single line), three chains in length, wholly in the Neath turnpike road, commencing and terminating by junctions with tramway No. 5. at points respectively three chains and six chains north of the junction of Mysydd Road with the Neath turnpike road:

(5 E.) A tramway or passing place (No. 5 e. single line), three chains in length, wholly in the Neath turnpike road, commencing and terminating by junctions with tramway No. 5. at points respectively opposite to and three chains south of the junction of Castle Road with the Neath turnpike road:

(5 F.) A tramway or passing place (No. 5 f. single line), three chains in length, wholly in the Neath turnpike road, commencing and terminating by junctions with tramway No. 5. at points respectively opposite to and three chains north of the centre of Plasmarl Sunday-school:

(5 G.) A tramway or passing place (No. 5 g. single line), three chains in length, wholly in the Neath turnpike road, commencing and terminating by junctions with tramway No. 5. at points respectively nine chains and twelve chains north of the Red Cow public-house:

(5 H.) A tramway or passing place (No. 5 h. single line), two chains and fifty links in length, wholly in the Neath turnpike road, commencing and terminating by junctions with tramway No. 5. at points respectively three chains and half a chain south of the Red House public-house:

(6.) A tramway (No. 6. single line), two furlongs six chains fifty links in length, commencing by a junction with the Oystermouth Railway nearly opposite to the centre of Powell Street at its junction with the Strand, and passing thence into and along the Strand and the Neath Road, and terminating in the last-mentioned road by a junction with tramways Nos. 5. and 5 a. at the termination of tramway No. 5 a.;

(6 A.) A tramway (No. 6 a. single line), two chains in length, wholly in the Neath Road, commencing by a junction with tramway No. 6. at a point three chains from its termination, and passing thence in a northerly direction along the Neath Road, and terminating by a junction with tramway No. 4 a. at its termination:

With all proper rails, plates, offices, weighbridges, stables, carriage houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof.

Restriction on tramways in existing streets.

68. Notwithstanding anything in this Act, it shall not be lawful for the Company to make a tramway in any existing street

an improvement whereof is comprised among the street improvements, unless and until that improvement has been completed by the Company to the satisfaction of the Corporation.

Periods for completion of tramways.

69. If the tramways which are by this Act authorised, and which are dependent upon the making of any particular street improvement, are not completed within one year after the making of that improvement, and if the other tramways by this Act authorised are not completed within two years from the passing of this Act, then on the expiration of those respective periods the powers by this Act granted to the Company for making the tramways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

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

70. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of the reign of Her present Majesty, chapter 20, six thousand two hundred and fifty pounds, three pounds per centum consolidated bank annuities, whereof two thousand pounds represents upwards of one thousand seven hundred and fifty pounds, which last-mentioned sum is five per centum upon the amount of the estimate in respect of the tramways, has been transferred into the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the sum of two thousand pounds, part of the said six thousand two hundred and fifty pounds stock so transferred 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 tramways, either open the tramways 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 in respect of the tramway undertaking by means of shares, and have expended for the purposes of this Act upon the said undertaking 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 two thousand pounds stock transferred 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

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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.

71. The said two thousand pounds stock transferred 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 in respect of the tramway undertaking, 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 tramways, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said stock, 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 Court of Chancery in England 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 Court, 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 stock has been retransferred 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 survivors or survivor of them.

Release of balance of money deposited.

72. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth and tenth years of Her present Majesty, chapter 20, or of the survivors or survivor of them, or of the majority of such persons or survivors, or of the executors or administrators of the last survivor by petition in a summary way, at any time after the passing of this Act, the High Court of Chancery may and shall order that four thousand two hundred and fifty pounds of the stock so transferred as aforesaid, and the interest and dividends thereof, shall be retransferred to the persons or person so applying, or to any other person or persons whom they or he may appoint in that behalf.

Power to open streets, &c.

73. Subject to the provisions of this Act, and to Parts II. and III. of the Tramways Act, 1870, and within the limits of deviation marked on the deposited plans, the Company may from time to time during the construction or repair of the tramways enter on and open, alter, stop up, remove, and otherwise interfere with any street, and any watercourse, sewer, drain, water pipe, gas pipe, telegraph pipe, or other work or apparatus in or under a street, and the Corporation shall be deemed to be a person within the meaning of section 30 of that Act.

For protection of the Swansea Gaslight Company.

74. The Swansea Gaslight Company may, subject to the provisions of section 32 of the Tramways Act, 1870, at all times hereafter open up any portion of the tramways authorised to be constructed under this Act, and may lay any new mains, syphons, or service pipes along, across, under, or near to the said tramways, and may repair, renew, enlarge, or alter any main, service pipe, or syphon or other work now existing and belonging to any consumer of gas or to the gas company; and all additional costs incurred by the gas company in doing any of these works or in carrying out any of the works authorised by the Swansea Gas Act, 1861, by reason of the laying of such tramways in any street or thoroughfare, shall be paid by the Company: Provided always, that nothing in this Act shall in any way hinder the gas company from exercising and carrying out the powers and provisions of the Swansea Gas Act, 1861, as fully as if this Act had not been passed, neither shall they be liable for any detention caused to the working of the said tramways by exercise of the said powers and provisions.

Temporary tramways may be made when necessary.

75. Where, by reason of the execution of any work affecting the surface or soil of any road along which any one of the tramways is laid, it is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of the tramway or any part thereof, the Company may, with the previous consent of

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the road authority, and subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time prescribe, construct in the same or any adjacent road, and with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain as long as occasion may reasonably require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued. If any difference arises between the Company and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section 33 of the Tramways Act, 1870, for the settlement of differences in that section mentioned.

Application of road materials excavated in construction of works.

76. Any paving, metalling, or material excavated by the Company in the construction of the tramway undertaking from any road under the jurisdiction or control of any road authority may be applied by the Company, as far as 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 the road authority of so much of the roadway on either side of the tramways as the Company are by section 28 of the Tramways Act, 1870, required to maintain; and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person as he appoints to receive the same; but if within seven days after the setting aside of that surplus, and notice thereof in writing given to such surveyor, it is not removed by the surveyor or by his order, it shall absolutely vest in and belong to the Company, and may be removed and disposed of by them as they think fit. Any difference between the Company and the 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 a road authority.

Inspection by Board of Trade.

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

Company may be required to use improved form of rail.

78. The Board of Trade may from time to time, upon the application of the local authority or road authority, require the Company to adopt and apply such improvements in the tramways, 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 adopting and applying any such improvements.

Corporation may require Company to pave portions of road.

79. The Corporation may at any time, or from time to time, as well previously as subsequently to the completion of any tramway of the Company, require the Company to pave in a substantial manner, to the satisfaction of the Corporation, all or any part of those portions of the road in which such tramway may be situate which, by section 28 of the Tramways Act, 1870, are required to be kept in repair by the Company, and the Company shall forthwith maintain the same accordingly.

Penalty for not maintaining rails and roads.

80. The Company shall at all times erect, 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 tramway, and the paving and sub-structure upon which the same rest, as well as the buttresses and retaining and parapet walls of new streets and viaducts constructed under this Act; and if the Company at any time fail to comply with this provision or with the provisions of section 28 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, which penalty shall be a penalty within section 56 of that Act.

Passing places to be constructed.

81. Where in a street in which a double line of tramway is laid, there is less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches, the Company shall construct a passing place or passing places connecting the one line of tramway with the other, and by means thereof the traffic shall, when necessary, be diverted from one tramway to the other.

Tramways to be kept on level of surface.

82. If and whenever a street authority alters the level of a street, the Company shall, if required by the street authority, from time to time alter, or (as the case requires) lay, keep, and maintain their rails so that the uppermost surface thereof shall be on a level with the surface of the street as altered.

Power to make additional crossings, &c.

83. Subject to the provisions of this Act, the Company, with the consent of the local authority and road authority, from time to time may make, maintain, alter, and remove such crossings, passing places, sidings, junctions, and other works in addition to or in lieu of those shown on the deposited plans, as they find necessary or convenient for the efficient working of the tramways, or for

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providing access to their warehouses, stables, or carriage houses or works, but 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 street, if the local authority, or any owner or occupier of the premises abutting on the place where such rail is to be laid, by writing addressed to the Company expresses his objection thereto.

Sanitary authority to have access to sewers.

84. Every sanitary 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 water and other pipes to communicate therewith, without the consent or concurrence of the Company; and the provisions contained in sections 32 and 33 of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of a sanitary authority, as if the same were a pipe for the supply of gas or water, or whether the same be so in fact or not.

Provision respecting arbitration.

85. Where under the Tramways Act, 1870, any matter in difference is referred to an arbitrator appointed by the Board of Trade, the Common Law Procedure Act, 1854, shall apply to the arbitration, and the decision of the arbitrator shall be final and shall be binding on all parties.

Power to work and use tramways.

86. Subject to the provisions of this Act, and to Parts II. and III. of the Tramways Act, 1870, the Company may work and use the tramways and all works and conveniences connected therewith.

Traffic on tramways.

87. The tramways may be used for passenger, animal, goods, mineral, and parcels traffic: Provided always, that the tramways laid on roads in respect of which the Glamorganshire County Roads Board is the road authority shall not be used for the purpose of conveying animals, goods, or minerals, without the consent in writing of such road authority having been first obtained.

Charges in schedule.

88. The Company may charge for passengers, animals, goods, minerals, and parcels carried on the tramways sums not exceeding those specified in the second schedule to this Act, and subject and according to the regulations in that schedule contained, which sums shall include tolls for the use of the tramways and of carriages, and for motive power, and for every other expense incidental to the conveyance of traffic.

Passengers luggage.

89. Every passenger travelling on 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 bound to carry goods.

90. The Company shall not be bound, unless they think fit, to carry a passenger's luggage exceeding twenty-eight pounds in weight, nor any parcel, goods, or other article or thing.

Heavy traffic confined to certain hours.

91. No goods, animals, articles, or things, other than passengers and passengers luggage, and parcels not exceeding fifty-six pounds in weight, shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the consent of the local authority and the road authority, nor shall any carriages, trucks, or waggons constructed for use on a railroad be permitted to pass along the tramways between the same hours without such consent.

Cheap fares for labouring classes.

92. The Company, at all times after the opening of the tramways for public traffic, shall run at least two carriages each way every morning in the week and every evening in the week, (Sundays, Christmas Day, and Good Friday always excepted,) at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient, for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company, nevertheless, not being required to take any fare less than one penny); and in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of the carriages, the Board of Trade shall have power to fix and regulate the same from time to time.

Form and delivery of notices.

93. With respect to notices, and to the delivery thereof by or to the Company, the following provisions shall have effect; (that is to say,)

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the local authority or any road authority, signed by their clerk or secretary:

(2.) Any notice to be delivered by or to the Company to or by any local authority, or any road authority or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office.

Agreements for use of tramways.

94. The Company on the one hand, and any other company or any person on the other hand, from time to time may enter into and carry into effect contracts, agreements, and arrangements for or with reference to the use by that other company or by that person of the tramways, and the tolls, rates, and charges to be paid for that use, and the terms and conditions thereof, and all incidental

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matters: Provided always, that the Corporation may, between eight o'clock in the afternoon and six o'clock in the morning, at such times and in such manner as will not interfere with the traffic of the Company, use without charge any of the tramways for the conveyance of ashes, road scrapings, and scavenging stuff, paving stones, paving materials, road metal, and gravel, or other articles employed or having to be conveyed by the Corporation in execution of any of their duties.

Power to use Oystermouth Railway or Tramroad and part of Cwm Tramway.

95. The Company and all persons lawfully using the tramways may pass over and use with their carriages and servants, and for the purposes of traffic of all kinds, the following tramways; (that is to say,)

The Oystermouth Railway or Tramroad,

So much of the Cwm Tramway as lies between the Strand and the junction of Mill Street with the Neath Road,

and the works and conveniences belonging to or connected therewith, on terms to be agreed on, and in default of agreement to be fixed by arbitration under the Railway Companies Arbitration Act, 1859, as if the parties concerned on each side were two railway companies; and the Oystermouth Railway or Tramroad Company, or the owners for the time being of that railway or tramroad, and the owners for the time being of the Cwm Tramroad, shall respectively make all arrangements required by agreement or arbitration in that behalf; and if they respectively fail to perform any award under this section, they shall be liable to forfeit and pay to such company or person as the award directs any sum not exceeding fifty pounds for each instance of failure, and not exceeding twenty pounds for each day during which the failure continues after notice thereof served on them by the Company; and the Company shall at all times observe the regulations and byelaws for the time being in force on the railway, tramroad, or tramway used by them under this section, as far as the same are applicable to the Company.

Power to agree for transfer of Oystermouth Railway or Tramroad.

96. The Company may from time to time agree with the owners for the time being of the Oystermouth Railway or Tramroad, or the persons competent to sell and dispose thereof or to lease the same, for the purchase by or lease to the Company of that railway or tramroad, and of the property, estate, and effects belonging thereto or connected therewith, or any part thereof, and of all the powers, rights, privileges, and authorities relating to the same, for such consideration and on such terms and conditions as the Company and the vendors or lessees agree; and the sale or lease shall be carried into effect by a deed duly stamped and truly

stating the consideration, and thereupon, by virtue of the deed and of this Act, the undertaking and property sold or leased shall be transferred to and vest in the Company for such estate and interest therein of the conveying or leasing party as is comprised in the deed.

Powers of transferor or lessor exerciseable by Company.

97. From and after a transfer or lease of the Oystermouth Railway or Tramroad to the Company, the following consequences shall ensue; (that is to say,)

(1.) All the rights and authorities by any Act conferred on the transferors or lessors shall, during the period comprised in the transfer or lease, belong to and be vested in the Company, and may lawfully be used, exercised, and enjoyed by the Company and the directors thereof, and their officers, agents, and servants, and the Company's corporate seal shall be used when requisite in reference thereto, in like manner as if the Company had been originally named or referred to in the Act authorising the Oystermouth Railway or Tramroad:

(2.) The Company, as representing the owners of that railway or tramroad, may maintain, regulate, work, and use the same, and the works and conveniences connected therewith:

(3.) The Company, as representing the owners of that railway or tramroad, may demand and take thereon tolls, rates, and charges not exceeding the charges by this Act authorised for traffic on the tramways:

(4.) That railway or tramroad shall, for all purposes of tolls, rates, and charges, and all other purposes, be part of the tramway undertaking.

Saving rights of Swansea Harbour trustees.

98. Provided always, that this Act or anything herein contained shall not take away, lessen, alter, or prejudice any of the rights, powers, or privileges which the Swansea Harbour trustees now have or are entitled to of passing over and using with their engines, horses, and carriages, waggons and trucks, so much of the Oystermouth Railway or Tramroad as is described in the twenty-first section of the Swansea Harbour Act, 1866, upon the terms therein mentioned.

Passenger traffic not to be worked over part of the Oystermouth Railway.

99. Provided always, that it shall not be lawful for the Company, if and when it shall own or work the Oystermouth Railway or Tramroad, to work or use for passenger traffic so much of the Oystermouth Railway or Tramroad as lies to the north-eastward of the proposed junction between it and the tramroad No. 4. by this Act authorised in Victoria Road, except with the consent of the Swansea Harbour trustees under their common seal; and any such consent

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may from time to time be withdrawn: Provided also, that the Company, if and when it shall own or work the Oystermouth Railway or Tramroad, shall not stop any passenger carriage upon any part of the Oystermouth Railway or Tramroad situate between the last-mentioned junction and the present junction between the Oystermouth Railway or Tramroad and the Swansea Lines undertaking of the London and North-western Railway Company at the eastern or goods entrance of the Victoria station of that company at Swansea.

Rails of Oystermouth Railway not to be altered.

100. Provided always, that it shall not be lawful for the Company, if and when it shall own or work the Oystermouth Railway or Tramroad, to alter the rails and works of the Oystermouth Railway or Tramroad so as to prevent or interfere with the passage of engines, carriages, waggons, and trucks, for the purposes of mineral traffic passing over so much of the Oystermouth Railway or Tramroad as lies to the north-eastward of the present junction between it and the Swansea Lines undertaking of the London and North-western Railway Company before mentioned.

As to tolls on mineral traffic over part of the Oystermouth Railway.

101. Provided always, that the Company, if and when it shall own or work the Oystermouth Railway or Tramroad, shall not charge for goods or minerals passing over so much of that railway or tramroad as lies to the north-eastward of the present junction between it and the Swansea Lines undertaking of the London and North-western Railway Company before mentioned any higher toll than is authorised by the Act of the 44th George the Third, chapter 55, entitled "An Act for making or maintaining a Rail-"way or Tramroad from the town of Swansea into the parish of "Oystermouth, in the county of Glamorgan."

Transfer or lease not to affect third party.

102. The transfer or lease of the Oystermouth Railway or Tramroad to the Company shall not take away, abridge, or prejudicially affect any of the duties, obligations, restrictions, or liabilities to which that railway or tramroad would, but for the transfer, be by law subject; and all persons shall have the same rights and remedies as against the Company, after and notwithstanding the transfer or lease, as they might have had against the transferors or lessors if the transfer or lease had not been made.

User by London and North-western Company of part of and junction with Oystermouth Railway.

103. Notwithstanding anything herein-before contained, it shall be lawful for the London and North-western Railway Company, if and when the Company shall own or lease the Oystermouth Railway or Tramroad, or the portions thereof herein-after referred to, to use with their engines, carriages, waggons, trucks, and servants so much and such parts of such railway or tramroad as lie to the

north-east of a point distant four hundred and forty yards or thereabouts, measured along that railway or tramroad in a south-westerly direction, from the point shown on the deposited plans, and described thereon as the termination of the tramway No. 1, together with all the accommodations, works, and conveniences belonging to or used in connexion therewith, on such terms, pecuniary and otherwise, as shall, if not agreed upon by that company on the one hand and by the Company on the other hand, be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers, and the decision of such arbitrator shall be binding on all parties interested; and such user shall be subject to the reasonable byelaws and regulations of the Company; and the Company, if and when they shall own or lease such railway or tramroad, or the portions thereof as aforesaid, shall, at the expense of the London and North-western Railway Company, afford every facility to enable that company to effect a junction with that railway or tramroad at a point one hundred and sixty yards or thereabouts, measured along that railway or tramroad in a south-westerly direction, from the point before referred to as the termination of tramway No. 1, or at such other point as shall be agreed on between that company and the Company.

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

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

VII.—Costs.

Expenses of Act.

105. The costs, charges, and expenses preliminary to, and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act, including all the costs of the Corporation in reference thereto, shall be paid by the Company.

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SCHEDULES.

THE FIRST SCHEDULE.

Contribution by Corporation.

No.	Description of the Improvements.	Apportioned amount of the £25,000.
		£
1.	The widening and formation of Castle Bailey Street, with the paving, kerbing, and channelling thereof. The raising and widening of the viaduct over the Cwm Tramway and Cwm Road at the north entrance of the town of Swansea, and the formation of a new street from thence to a point in High Street at or near the corner of Jockey Street, with the paving, kerbing, and channelling thereof. The widening and formation of College Street, Gower Street, and part of Orchard Street, with the paving, kerbing, and channelling thereof -	18,146
2.	The removal of the block of buildings known as Island House, and the formation on the site thereof of a roadway -	3,354
3.	The formation of a new street, being the continuation of Trinity Place to High Street, with the paving, kerbing, and channelling thereof - - - - -	2,930
4.	The widening and formation of St. Helen's Road opposite Brunswick Place, with the paving, kerbing, and channelling thereof - - - - - - -	350
5.	The widening and formation of Grove Place at the west end thereof, and the kerbing and channelling thereof - -	220
		£25,000

THE SECOND SCHEDULE.

Charges for Conveyance on Tramways.

Passengers.

For every person—	Per mile.
In a first-class carriage - - - - - -	2*d.*
In a second-class carriage - - - - -	1*d.*

Animals.

For every horse, mule, or other beast of draught or burden - -	6*d.*
For every ox, cow, bull, or head of cattle - - - -	6*d.*
For every calf, pig, sheep, or small animal - - - -	$3\frac{1}{4}d.$

Goods.

	Per mile.
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton -	3*d.*
For all iron, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway chairs, per ton -	3*d.*
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton - - - - -	4*d.*
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton - -	4*d.*
For every carriage, of whatever description, not weighing more than one ton, tenpence, and the additional sum of twopence for every additional quarter of a ton above one ton.	

Single Articles of great Weight.

For the carriage of single parcels of great weight :—

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, per ton - - - - - -	8*d.*
For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, such sum as the Company may think fit.	

Small Packages.

	Any distance.
For every parcel not exceeding seven pounds in weight - -	3*d.*
For every parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - -	5*d.*
For every parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - -	7*d.*
For every parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - -	9*d.*
For every parcel exceeding fifty-six pounds in weight such sum as 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.

Regulations as to Tolls.

The Company shall in no case be bound to charge a less sum than fourpence for the conveyance of a passenger in a first-class carriage, or twopence for the conveyance of a passenger in a second-class carriage, and in respect of passengers every fraction of a mile beyond one mile or any greater number of miles is to be deemed a mile.

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For all animals or goods conveyed a less distance than three miles the Company may demand tolls and charges as for three miles.

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles, except stone or timber, the weight shall be determined according to the usual avoirdupois weight.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

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