CHAPTER cxxviii.

An Act to confer further powers upon the Swansea Improvements and Tramways Company with respect to their tramway undertaking; and for other purposes. A.D. 1882.

[12th July 1882.]

WHEREAS by the Swansea Improvements and Tramways Act 1874 (in this Act called the Act of 1874) the Swansea Improvements and Tramways Company (who are in this Act referred to as "the Company") were incorporated and authorised to make new streets and improvements of streets and to lay down tramways in and near Swansea in the county of Glamorgan: 37 & 38 Vict. c. cxxxviii.

And whereas by the Swansea Improvements and Tramways Act 1878 (in this Act called the Act of 1878) and by the Swansea Tramways (Extension) Order 1879 (in this Act called the Order of 1879) the powers of the Company were enlarged and they were authorised to extend their system of tramways: 41 & 42 Vict. c. cxlvii.

And whereas the Company have proceeded to carry the powers of the said Acts and Order into execution:

And whereas it is expedient that the Company should be empowered to make the new tramways by this Act authorised and to work those tramways and the tramways already authorised by steam or other mechanical power:

And whereas the mayor aldermen and burgesses of the borough of Swansea (in this Act called "the corporation") are desirous to have the option of constructing the proposed new tramways and it is expedient that they be authorised so to elect and in the event of their so electing that they be authorised to raise the necessary moneys for the purpose and that the provisions in this Act contained be made with respect to the proposed new tramways and the already authorised tramways of the Company:

And whereas the share capital of the Company consists of two hundred thousand pounds in twenty thousand shares of ten pounds each and subject to the special provisions of the Act of 1874 the

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Company have power to borrow eight thousand seven hundred and fifty pounds upon the credit of the tramway undertaking and seventy-three thousand five hundred pounds upon security of lands and buildings acquired by them in connexion with street improvements:

And whereas by the Act of 1878 the Company were authorised to divide their paid-up capital into two separate and distinct capitals to be respectively called "Swansea improvement capital" and "Swansea tramway capital" and to fix the amount of such two respective capitals provided that the total of the two capitals should not exceed the said sum of two hundred thousand pounds:

And whereas the capital has in pursuance of the said power in that behalf been divided into such two separate and distinct capitals and the amount of the "Swansea tramway capital" is one hundred and ten thousand pounds in shares whereof eighty-seven thousand four hundred and twenty pounds has been paid up and they have borrowed and now owe one thousand two hundred and fifty pounds on the security of the tramway undertaking:

And whereas it is expedient that the powers and provisions of the recited Acts should be in certain respects altered and amended:

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

And whereas plans and sections describing the lines situations and levels of the works intended to be authorised by this Act and a book of reference to those plans have been deposited with the clerk of the peace for the county of Glamorgan and 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)—

Short title.

1. This Act may be cited as the Swansea Tramways Act 1882.

Incorporation of general Acts with this Act.

2. The following enactments namely:—

Section 3. (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870:

33 & 34 Vict. c. 78.

so far as the same are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

8 & 9 Vict. c. 16.

And the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say)—

The distribution of the capital of the Company into shares.

The transfer or transmission of shares.
The payment of subscriptions and means of enforcing the calls.
The forfeiture of shares for nonpayment of calls.
The remedies of the creditors of the Company against the shareholders.
The consolidation of shares into stock.
The general meetings of the Company and the exercise of the right of voting by the shareholders.
The making of dividends.
The borrowing of money by the Company on mortgage or bond.
The conversion of the borrowed money into capital.
The giving of notices.
The consolidation of shares into stock and
The provision to be made for affording access to the special Act by all parties interested:

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised. 26 & 27 Vict. c. 118.

3. In this Act— Interpretation.

Terms to which meanings are assigned by the Act of 1874 or by enactments incorporated with that Act have the same respective meanings unless there be something in the subject or context repugnant to such construction.

"The tramways" unless the subject or context otherwise requires means the tramways by this Act authorised.

"Tramway undertakings" means and includes the several tramway undertakings authorised and constructed under the powers of the Act of 1874 the Act of 1878 and the Order of 1879 respectively.

4. The Company may apply to the purposes of this Act any of the moneys which they have now in their hands applicable to or which they have power to raise for the purposes of the tramway undertakings and which may not be required for other purposes connected with those undertakings and may for the purposes of this Act and for the general purposes of their tramway undertakings subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole twenty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock in their capital or wholly or partly by any one or more of those modes respectively and such additional capital shall for all purposes form part of the "Swansea Power to apply corporate funds to purposes of Act and raise additional capital.

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tramway capital" and sections six to sixteen both inclusive of the Act of 1874 shall extend and apply mutatis mutandis to such additional capital.

As to votes of proprietors of new shares.

5. The proprietors of any such ordinary shares or stock shall be entitled to the same number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares in the tramway undertakings but the proprietors of any preference shares or stock raised under the powers of this Act shall not be entitled to any votes in respect thereof.

Power to borrow.

6. The Company may in respect of the additional capital of twenty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole five thousand pounds and of that sum they may from time to time borrow any sums not exceeding in the whole one thousand pounds in respect of every sum of four thousand pounds of their said additional capital but no part of any such sum of one thousand pounds shall be borrowed until shares for such portion of the said four thousand pounds of additional capital as is to be raised by means of shares are issued and accepted and one half of such portion is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such portion has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of such portion of the said sum of four thousand pounds of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations or 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 certificate shall be sufficient evidence thereof.

Company not to issue debenture stock in respect of tramway capital.

7. The Company shall not in respect of their tramway capital create or issue debenture stock.

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Existing mortgages to have priority.

8. All mortgages granted by the Company in pursuance of the powers of any Act relating to the Company before the passing of this Act and subsisting at the passing thereof and secured on the tramway undertakings or the revenue thereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act.

Application of moneys.

9. All moneys raised under this Act whether by shares or stock or by borrowing shall be applied only for the purposes of this Act and the general purposes of the tramway undertakings of the Company.

Power to lay down and maintain certain new tramways.

10. 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 lines 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 herein-after described with all proper rails plates works and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act will be wholly situate in the parish of Swansea and county of Glamorgan and are the following (namely):—

Describing the tramways.

A tramway (No. 1) one mile one furlong and three chains ten links in length whereof six furlongs seven chains ten links is single line and two furlongs six chains is double line commencing at a point in the High Street by a junction with the tramways of the Company opposite Ivey Place and terminating in Walters Road at a point one hundred and seventeen yards west of the junction of the Bryn-y-mor Road with Walters Road.

A tramway (No. 2) seven chains twenty-five links in length whereof four chains twenty-five links is single line and three chains is double line commencing by a double junction with Tramway No. 1 in De la Beche Street and Mansel Street at two points respectively fourteen yards east and fourteen yards west from the centre of Cradock Street and terminating in Northampton Place by a junction with the tramway of the Company sixteen yards west of the centre of Union Street.

A tramway (No. 3) four furlongs two chains twenty-five links in length whereof two furlongs eight chains twenty-five links is single line and one furlong four chains is double line, commencing in Cradock Street by a junction with Tramway No. 2 at a point twenty yards north of the termination of that tramway and terminating in Mount Street at a point thirteen yards south of the south-east corner of Quay Parade.

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

11. In constructing and laying down the Tramway No. 3 where it will pass in front of the Victoria Station and the station yard and premises belonging to the London and North-western Railway Company the same shall be constructed as a single line of tramway only and no crossing passing-place siding junction or other work shall be made for or in connexion with that tramway between a point forty-two yards east of the eastern side of Angel Street at the junction of that street and Rutland Street and the point where the said tramway is intended to cross on the level the railway of the Swansea Harbour trustees without the consent of the London and North-western Railway Company under their common seal and unless with the like consent no tramcar or other vehicle or carriage used on that tramway shall be stopped or permitted to be stopped between those points except for and only for so long as shall be absolutely necessary for the purpose of discharging and taking up passengers. Nothing in this Act contained shall empower the Company to take or interfere with any lands or property of the London and North-western Railway Company.

For the protection of the corporation of Swansea.

12. For the protection of the corporation the following provisions shall unless otherwise agreed on between the Company and the corporation have effect that is to say :—

1. Tramway No. 1 shall be constructed only as a single line from its commencement in High Street to a point in Alexandra Road two chains distant from such commencement and the length of the double line in that road measured along that tramway shall not exceed three chains.
2. Tramway No. 3 shall not be constructed in Wassall Street as a double line eastward of the south-west corner of Church Street.
3. The tramways shall for the purposes of this section be considered as divided into three sections namely :—

   Section I. consisting of so much of Tramway No. 1 as lies between the music hall at the bottom of Cradock Street and the termination of that tramway in Walters Road

   Section II. consisting of so much of Tramway No. 1 as lies between its commencement and the said music hall and

   Section III. consisting of Tramway No. 2 and Tramway No. 3.

Each section shall if and when begun be wholly completed and no one of the sections shall be opened for public traffic until completed to the reasonable satisfaction of the borough surveyor to be signified in writing under his hand.

4. If the corporation shall not elect to construct the tramways the Company shall, within one year from the service of a notice in writing under the hand of the town clerk that the corporation do not intend to exercise such option or failing such notice within one year from the expiration of the six months limited by this Act for the exercise of such option construct and open for public traffic the tramways comprised in section II. And the Company shall within two years and a half from the service of the said notice or the expiration of the said period of six months (whichever shall first happen) construct and open for public traffic the tramways comprised in section III.

5. The Company shall pay to the corporation the annual rent or sum of seventy-five pounds to commence from the expiration of two years from the service of the notice mentioned in the last subsection or failing such notice from the expiration of the said period of six months which shall first happen such rent or sum to be payable in equal half-yearly instalments.

6. The Company shall not except with the consent of the corporation signified under the hand of the town clerk use the tramways or any of them for any traffic other than the conveyance of passengers and parcels not exceeding twenty-eight pounds in weight.

7. The tramways so long as they belong to or are held on lease by the Company shall for the purposes of tolls be deemed to form part of the tramway undertakings.

8. No tramcars shall stop for the purpose of taking up setting down collecting or delivering passengers parcels animals minerals goods or other traffic or of waiting for the arrival departure or passage of another tramcar opposite the ends of the following streets namely — Pleasant Street Dynevor Place Henrietta Street Brunswick Street Orange Street and Oystermouth Road and the Company shall be liable for every breach of this provision to a penalty not exceeding forty shillings.

Railway carriages not to run on the tramways.

13. Carriages or trucks adapted for use on railways shall not be run on the tramways.

Power to acquire additional land by agreement.

14. The Company may in addition to the lands they are authorised to acquire and hold under the powers of the recited Acts and the Order of 1879 from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the whole one acre or any easement power or privilege therein thereunder thereover or thereupon (not being an

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easement or privilege of water) which shall be deemed necessary by the Company for the purposes of their tramway undertakings.

Consideration for such acquisition.

15. The consideration for any such acquisition may be either money or land or any yearly sum or rentcharge or other rent or a mixed consideration of money and land and on any exchange the Company may give or take any money for equality of exchange.

Power to take easements, &c. by agreement.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.

16. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Limit of time for completion of tramways.

17. If the corporation shall not elect to construct the tramways and the Company do not complete the tramways comprised in sections II. and III. within the respective periods limited by this Act and do not complete the tramways comprised in section I. within the period of 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 said tramways respectively or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as is then completed.

Penalty unless tramways completed within time limited.

18. If the Company fail within the respective periods limited by this Act to complete the tramways respectively the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the tramways are so completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of so much of the works as shall not be completed within the periods so respectively limited and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Pay-

17 & 18 Vict. c. 31.

master on behalf of the Chancery Division of the High Court of Justice in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from so completing or opening such tramways respectively by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

19. If the Company do not previously to the expiration of the period limited for the completion of the respective tramways complete the same and open them for the public conveyance of passengers every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "London Gazette," shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof 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 Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or a portion of the sum or sums so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums so recovered by way of penalty 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.

Extending to this Act certain sec-

20. Sections 73 to 80 both inclusive and sections 82 to 93 both inclusive and section 94 of the Act of 1874 shall so far as they are

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tions of the Act of 1874.

not inconsistent with the provisions of this Act extend and apply mutatis mutandis to the tramways.

As to rails of tramways.

21. The rails of the tramways shall be such as the Board of Trade may approve.

Carriages may be moved by animal steam or mechanical power.

22. The carriages used on tramways authorised by the Act of 1874 the Act of 1878 the Order of 1879 and by this Act respectively may subject to the provisions of this Act be moved by animal power and (with the consent of the corporation and of the Glamorgan County Roads Board) during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade and of the corporation during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board by steam power or any mechanical power and the corporation are hereby empowered to give such consents respectively upon such terms and conditions as they think fit Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on such tramways.

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

23. The Company or any person using steam or any mechanical power on any of such tramways contrary to the provisions of this Act, or to any of the regulations set forth in the said schedule or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence a daily penalty not exceeding five pounds. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any person using steam or any mechanical power on any tramways under the authority of this Act have or has made default in complying with the provisions thereof or with any of the regulations set forth in the said schedule or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such person to cease to exercise the powers aforesaid and thereupon the Company or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless

with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order. A.D. 1882.

Further provisions as to construction of tramways.

24. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act Provided always that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act 1870 or this Act.

Byelaws as to tramways.

25. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of such tramways upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes; (that is to say) :—

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

For regulating the emission of smoke or steam from engines used on such tramways.

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

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

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

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

Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

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

Orders and byelaws.

27. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a Secretary or an Assistant Secretary of the Board of Trade.

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

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

As to contracts with road authority where steam or mechanical power is to be used.

29. Where the Company or any person intend or intends to use steam or any mechanical power under the authority of this Act on such tramways or any part thereof they or he shall give two months previous notice of such intention to every road authority within whose district such tramways or any part thereof upon which they or he intend or intends to use such power are or is situated. Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such person or the paving and keeping in repair

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

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

In case any difference arises between any such road authority and the Company or such person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Company or such person or the Company or such person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner

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provided by the Tramways Act 1870 with respect to all differences between the Company and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

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

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

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

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

Company not to be relieved from certain liability.

31. Nothing in this Act or in any contract agreement or arrangement to be made under this Act, shall operate to lessen the liability of the Company under section 28 of the Tramways Act 1870 with respect to the repair of any road whereon any tramway belonging to them is laid.

Corporation may elect to construct tramways.

32. The corporation may at any time within six months from the passing of this Act elect to construct the tramways and may at any time within one year after the passing of this Act purchase upon such terms as in default of agreement shall be settled by arbitration in manner provided by section 33 of the Tramways Act 1870 so much of the tramways as shall be then constructed and if they so elect they shall forthwith give to the Company notice thereof in writing under the hand of the town clerk. The Company shall not commence to construct nor shall they provide any materials for the construction of the tramways or any of them until the expiration of such six months unless the corporation previous to the expiration of that time give notice in writing under the hand of their town clerk that they do not elect to construct the same.

Power to enter into agreements as to the construction of the tramways.

33. The Company on the one hand and the corporation on the other hand may from time to time enter into and fulfil and alter and vary agreements with respect to the following matters or any of them (that is to say):

The laying down constructing maintaining renewing and repairing the tramways and the rails plates sleepers and works connected therewith.

Provisions if corporation purchase tramways, &c.

34. If the corporation construct or purchase the tramways or any part thereof or if they purchase the tramways authorised by the Act of 1874 or the Act of 1878 or the Order of 1879 or any one or more of them (herein-after referred to separately as an "existing tramway" and collectively as "existing tramways") the following provisions shall have effect (that is to say):—

(1.) The corporation shall upon the application of the Company in that behalf grant them a lease of the tramways so constructed or purchased and of the existing tramway so purchased for such term not exceeding twenty-one years as the Company require and at such rent and upon such terms and subject to such conditions as may be agreed on between the Company and the corporation or as failing agreement within two months after such application shall be settled by a referee appointed by the Board of Trade.

(2.) If the corporation elect to construct or purchase as aforesaid they shall be subject to the provisions and shall perform and observe all the obligations and conditions imposed on the Company with respect to the construction and maintenance of such tramways as they so elect to construct or purchase in the same manner and to the same extent and effect as if the corporation had been authorised to construct such tramways and had been named in the Act authorising such construction instead of the Company.

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(3.) Nothing in this Act shall authorise the corporation to place or run carriages upon any tramway and to demand and take tolls and charges in respect of the use of such carriages.

(4.) The lessees of the corporation shall be subject to the provisions of this Act affecting the Company so far as those provisions relate to the working by such lessees of the tramways or the existing tramways.

(5.) The council of the borough may from time to time appoint out of their body a committee consisting of such number of persons as they think fit for any of the purposes of this Act which in the discretion of the council would be better regulated and managed by means of such committee.

(6.) For any of the purposes of this Act any minute made of proceedings at meetings of the council or of the committee if signed by any person purporting to be the chairman of the council or committee as the case may be at the meeting of the council or committee at which such proceedings took place shall be receivable in all courts of law and equity and elsewhere as primâ facie evidence without further proof of the proceedings of which the same purports to be a minute and such minutes of proceedings shall at all reasonable times be open to the inspection of any member of the council and of any mortgagee of the rates or property of the corporation under the recited Acts and this Act respectively.

(7.) All moneys paid or expenses incurred by the corporation in respect of the construction or purchase of tramways and all other expenses incurred by the corporation in the exercise of the powers of this Act shall be paid out of the like rate and the corporation shall have the like powers to borrow for thirty years as if such moneys and expenses were expenses incurred in applying for obtaining and carrying into effect a provisional order obtained by them under the Tramways Act 1870.

As to purchase of existing tramways.

35. The corporation shall not purchase any of the tramways or existing tramways otherwise than by agreement with the Company during the subsistence of any lease granted by the corporation to the Company or in case there be no such lease until the expiration of twenty-one years from the completion of the tramways and if the corporation purchase the tramways or any part thereof or any existing tramway they shall also purchase all lands buildings stabling works plant horses and materials belonging to the Company (absolutely or as lessees) and suitable to be used or acquired for the purposes of the tramways or existing tramways so purchased.

Every purchase shall be evidenced by deed setting forth the consideration and duly stamped. A.D. 1882.

As to removal of toll-gates.

36. The Company on the one part and the corporation and the Glamorgan County Roads Board or either of those bodies on the other part may enter into and fulfil agreements for and in relation to the removal of any toll-gates within the borough.

Saving rights of Swansea Harbour trustees.

37. Nothing in this Act contained shall extend to take away alter diminish 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 tram-road as is described in the 21st section of the Swansea Harbour Act 1866 upon the terms therein mentioned. 29 & 30 Vict. c. cclviii.

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

38. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

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

39. Notwithstanding anything contained in this Act the corporation the Company and any persons using any tramways to which the same applies shall be subject and liable to the provisions of any general Act which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by any Act relating to the Company and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power or any mechanical power by any such general Act as aforesaid.

Saving an order of the Court of Appeal.

40. Nothing in this Act shall be construed to annul alter or interfere with an order of the Court of Appeal made the 1st day of July 1878 in a cause in which the Company were plaintiffs and the Glamorgan County Roads Board were the defendants.

Expenses of Act.

41. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

A.D. 1882.

The SCHEDULE referred to in the foregoing Act.

Break power of engines.

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

As to fittings of engines, &c.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

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

With a suitable fender to push aside obstructions

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

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

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

As to carriages.

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

Inspection of engines and carriages.

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

As to speed.

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

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

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