



CHAPTER clxxiii.

An Act to authorise the construction of the Birmingham and Staffordshire Extension Tramways. [6th August 1872.] A.D. 1872.

WHEREAS the laying down in certain roads in this Act mentioned, in the counties of Warwick, Stafford, and Worcester, of tramways to be worked by animal power only, and constructed so as not to impede or injure the ordinary traffic of the roads, would be of great public and local advantage :

And whereas it is expedient that the persons herein-after named, with others, should be incorporated into a Company, and should be empowered to lay down, use, work, and maintain the several tramways in this Act particularly described :

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised to be made, with books of reference to such plans, have been deposited with the respective clerks of the peace for the counties of Warwick, Stafford, and Worcester, and those plans and sections are in this Act referred to as the deposited plans, sections, and books of reference :

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

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

1. This Act may be cited for all purposes as "The Birmingham and Staffordshire Extension Tramways Act, 1872." Short title.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," (except the provisions of the first-mentioned of those Acts with respect to the taking and purchase of lands otherwise than

Provisions of general Acts herein named incorporated.

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A.D. 1872. — by agreement, to the entry upon lands by the promoters of the undertaking, and to small portions of intersected lands,) and Parts II. and III. of "The Tramways Act, 1870," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction, or unless herein otherwise expressly provided; the expression "the Company" means the company incorporated by this Act, and the expression "the tramway," "the tramways," or "the undertaking" means the tramways and works and undertaking by this Act authorised, or any part thereof.

Company incorporated.

4. Loftus FitzWygram, William McCandlish, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the tramways, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Birmingham and Staffordshire Extension Tramways Company," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make tramways according to deposited plans.

5. Subject to the provisions of this Act and of "The Tramways Act, 1870," Parts II. and III., the Company may make, form, lay down, work, use, and maintain the tramways herein-after described; in the lines and according to the levels shown on the deposited plans and sections, with all proper rails, plates, offices, stables, carriage houses, works, and conveniences connected therewith, or for the purposes thereof, along the roads delineated on the said plans and described in the deposited books of reference, and may work and use the tramways.

The tramways herein-before referred to and authorised by this Act are,—

Tramways Nos. 1 and 1A, to commence in the parish of Tipton in the county of Stafford, by a junction with tramway No. 12, authorised by "The Birmingham and Staffordshire Tramways Act, 1870," at the termination thereof, to proceed thence along the Birmingham turnpike road and the Castle Hill, Dudley, Castle Street, the Market Square, and Upper High Street,

Dudley, and to terminate at a point in High Street opposite the intersection of Old Mill Street with Upper High Street, in the parish of Dudley in the county of Worcester :

Tramways Nos. 2 and 2A, to commence in the parish of West Bromwich in the county of Stafford, by a junction with tramway No. 14, authorised by "The Birmingham and Staffordshire Tramways Act, 1870," at the termination thereof, at Hill Top, to proceed thence along the turnpike road to Wednesbury, along Bridge Street, Wednesbury, and to terminate at the junction of Bridge Street with the Holyhead Road, in the said parish of Wednesbury :

Tramways Nos. 3 and 3A; tramway No. 3 to commence in the said parish of Wednesbury at the point of termination of tramway No. 2, and tramway No. 3A at the point of termination of tramway No. 2A, to pass thence along the Holyhead Road, through Cock Heath and Moxley, along the Bilston Road, Oxford Street, Bilston, Church Street, and Lichfield Street, Bilston, thence along the main road towards Wolverhampton, through Monmore Green, the Bilston Road, Wolverhampton, the Cleveland Road, Cleveland Street, Salop Street, Chapel Ash, and the Tettenhall Road, and to terminate in the said Tettenhall Road at the New Bridge Turnpike Gate :

Tramway No. 4, to commence in the parish of Wednesbury in the county of Stafford, by a junction with tramway No. 3 at the point where Dudley Street intersects the Holyhead Road, thence to proceed along Dudley Street, High Bullen, and to terminate at the intersection of High Bullen with Upper High Street, in the said parish of Wednesbury :

Tramway No. 5, to commence in the said parish of Wednesbury, by a junction with tramway No. 2 at its termination, to proceed thence along Lower High Street, the Market-place, Upper High Street, and to terminate at a point where High Bullen intersects Upper High Street, in the parish of Wednesbury :

Tramways Nos. 6 and 6A, to commence in the said parish of Wednesbury, tramway No. 6 by a junction with tramway No. 5, and tramway No. 6A by a junction with tramway No. 4, at the herein-before described respective terminations thereof, to pass thence along the main road called the Darlaston Road, in the parish of Wednesbury and King's Hill, to Darlaston, thence along the main road from Darlaston to Bilston, and tramway No. 6 to terminate by a junction with tramway No. 3, and tramway No. 6A by a junction with tramway No. 3A, at the intersection of the main road from

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Darlaston to Bilston with the main road from Wednesbury to Bilston, in the parish of Darlaston in the county of Stafford :

Tramways Nos. 7 and 7A, to commence in the parish of Dudley in the county of Worcester; tramway No. 7 by a junction with tramway No. 1A, and tramway No. 7A by a junction with tramway No. 1, at a point where the main road from Dudley to Tipton intersects the Birmingham and Dudley Road, to proceed thence along the main road leading to Tipton, and to terminate at a point, in the parish of Tipton in the county of Stafford, fifty yards south of the centre of the bridge carrying the Stour Valley section of the London and North-western Railway over the said road :

Tramways Nos. 8 and 8A, to be situate partly in the township and parish of Handsworth in the county of Stafford, and partly in the parish of Aston-juxta-Birmingham in the county of Warwick; tramway No. 8 to commence by a junction with tramway No. 5, and tramway No. 8A by a junction with tramway No. 6, authorised by "The Birmingham and Staffordshire Tramways Act, 1870," at the junction of Villa Road and Soho Hill, to proceed thence down Villa Road and Lozell's Road; tramway No. 8 to terminate at the intersection of the Walsall Road with the Lozell's Road, in the parish of Handsworth in the county of Stafford, by a junction with tramway No. 9A, and tramway No. 8A to terminate there by a junction with tramway No. 9 :

Tramways Nos. 9 and 9A, to be situate partly in the said township and parish of Handsworth, and partly in the said parish of Aston-juxta-Birmingham, to commence at the toll-gate, Perry Barr, to proceed thence along the Walsall Road and Alma Street, and to terminate in Alma Street at the boundary of the borough of Birmingham in the county of Warwick :

Tramways Nos. 10 and 10A, to be wholly situate in the said parish of Aston-juxta-Birmingham; tramway No. 10 to commence by a junction with tramway No. 2, and tramway No. 10A by a junction with tramway No. 2A, authorised by "The Birmingham Tramways Act, 1870," at Aston Cross, thence to proceed along the Lichfield Road and Church Road, and to terminate at the point where Church Road intersects Park Road.

Mode of
formation of
tramways.

6. Every tramway to be made, formed, or laid down under this Act shall be constructed on the gauge of four feet eight inches and half an inch, and shall be laid and maintained in such manner

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that the uppermost surface of the rail shall be on a level with the surface of the road. A.D. 1872.

7. If the Company desire under the authority of this Act to do any act which shall or may render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus or other works belonging to or controlled by the Birmingham Waterworks Company or the Birmingham and Staffordshire Gaslight Company, the Company shall give to the Birmingham Waterworks Company or to the Birmingham and Staffordshire Gaslight Company, as the case may require, fourteen days notice of such desire, and the said Birmingham Waterworks Company or the said Birmingham and Staffordshire Gaslight Company, as the case may be, shall forthwith (without prejudice nevertheless to the protection afforded them by sub-section 2 of section 30 of "The Tramways Act, 1870,") make such removal or displacement as may be necessary, and do all works incident thereto, and all expenses to be thereby incurred shall be defrayed by the Company. Nothing contained in this Act shall interfere with the exercise by the said Birmingham Waterworks Company or the said Birmingham and Staffordshire Gaslight Company of the powers and privileges conferred upon them respectively by any Acts or Act of Parliament of laying down and maintaining, and, as occasion may require, of repairing or altering, any mains or pipes in and under any of the roads or thoroughfares upon which any tramways may be laid under the authority of this Act, and the provisions of sub-section 4 of section 32 of "The Tramways Act, 1870," in favour of the local authority or the road authority, shall be extended to and include the said Birmingham Waterworks Company and the said Birmingham and Staffordshire Gaslight Company.

For protection of works of Birmingham Waterworks Company and of Birmingham and Staffordshire Gaslight Company.

8. The provisions of this Act with respect to the Company's works and tramways within the borough of Wolverhampton (hereinafter in this section referred to as "the borough") shall be subject to the following conditions; videlicet,

For protection of the borough of Wolverhampton.

- (1.) Notwithstanding anything in this Act, or in the deposited plans and sections, the Company shall, if so required by the Corporation of the borough (hereinafter in this section referred to as "the Corporation") in writing, as to any street or place within the borough, construct a single line of rails only in such street or place, and any line constructed in pursuance of such requisition shall be constructed along such portions of the street or place, and

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with such sidings, junctions, and other conveniences as may be required by the Corporation :

- (2.) The provisions of the twenty-eighth section of the Tramways Act, 1870, with respect to the paving and maintaining of certain portions of roads, shall extend to the whole width of the roadways of Cleveland Street and Salop Street respectively :
- (3.) The provisions of the thirty-second section of "The Tramways Act, 1870," with respect to works and to additional expense caused to an authority by reason of the existence of tramways, shall apply to all works in respect of the altering, repairing, laying down, improving, or enlarging any existing or future sewer, drain, pipe, tube, wire, or apparatus for telegraphic or other purposes by the Corporation, and to any such additional expense caused to the Corporation in respect of the same :
- (4.) If at any time hereafter any tramways are constructed or purchased within the borough by the Corporation, the Company shall, if required by the Corporation, make and maintain, at the joint expense of the Company and of the Corporation, all necessary and convenient junctions and communications between the tramways of the Company and the tramways of the Corporation, and the Corporation and the Company shall each respectively, if required by the other, grant to each other running powers over their respective tramways, upon such conditions and terms as to compensation (if any) and otherwise as may be agreed on between them, or, in case of difference, be settled in the manner provided by the thirty-third section of "The Tramways Act, 1870 :"
- (5.) The powers of purchase given by the forty-third section of the Tramways Act, 1870, may be exercised by the Corporation within six months after the expiration of two years from the passing of this Act, upon six months notice in writing being given by the Corporation to the Company, notwithstanding that the periods of twenty-one years or of seven years, mentioned in the said section, or either of them, may not have elapsed, and the said powers may in like manner and upon the like notice be exercised (if not previously exercised) within six months after the expiration of three years from the end of the said two years, or from the end of any subsequent period of three years,

reckoned from the expiration of the last previous period of three years : A.D. 1872.

(6.) For the purposes of this section, the nineteenth section of "The Tramways Act, 1870," shall be incorporated with this Act.

9. Nothing in this Act shall take away or abridge any power to open or break up any road along or across which any tramway is laid, or any other power vested in the company of proprietors of the Birmingham Canal Navigations (herein-after called the Canal Company), for the purpose of constructing, raising, lowering, repairing, altering, rebuilding, or removing any bridge or any approach thereto or otherwise, but in the exercise of such power the Canal Company shall be subject to the following restrictions; (that is to say,)

Rights of
Birmingham
Canal Com-
pany to
open roads.

1. They shall cause as little detriment or inconvenience to the Company as circumstances admit :
2. Before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Company notice of their intention to commence such work, specifying the time at which they will begin to do so ; such notice to be given eighteen hours at least before the commencement of the work :
3. They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid :
4. Whenever for the purpose of enabling them to execute such work the Canal Company shall so require, the Company shall either stop the traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the Canal Company, as the case may be, with all reasonable expedition :
5. The Canal Company shall not execute such work, so far as it immediately affects the tramway, except under the superintendence of the Company, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the progress of the work, and they shall execute such

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work at their own expense, and to the reasonable satisfaction of the Company: Provided that any additional expense imposed upon the Canal Company by reason of the existence of the tramway in any road or place where any such bridge shall have been made before the construction of such tramway shall be borne by the Company.

Difference between the Company and Birmingham Canal Company.

10. If any difference arises between the Company on the one hand, and the Canal Company on the other hand, with respect to any interference or control exercised or claimed to be exercised by them, or on their behalf, or by the Company by virtue of this Act, in relation to any tramway or work, or in relation to any work or proceeding of the Canal Company, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the Canal Company, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an engineer or other fit person, nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

Land by agreement.

11. The Company may from time to time purchase and acquire (by agreement) such land as they may require for their undertaking, not exceeding in the whole five acres.

Tramways to be kept on level with surface of roads.

12. If any road authority shall hereafter alter the level of any street or road along or across which any tramway of the Company is laid, or authorised to be laid, the Company may, and shall from time to time at their own expense, alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the street or road as altered.

Position of tramway in street.

13. Every tramway shall be constructed and maintained as nearly as may be in such a manner that nine feet and six inches shall intervene between the outside of the footpath on either side of the street or road along which such tramway shall be laid and the nearest rail of the tramway.

Penalty for not maintaining rails and roads.

14. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways and the substructure upon which the same rest, and if the Company at any time fail to comply with this provision, or with the provisions of section 28 of "The Tramways Act, 1870," they shall be subject to a penalty not

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exceeding five pounds for every day on which such non-compliance continues, and such penalty shall be a penalty within the meaning of section 56 of the said Act.

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15. No tramway shall be opened for public traffic until the same shall have been inspected and certified to be fit for such traffic, in the manner (if any) prescribed by the Board of Trade, by any rules for the time being in force made by them.

Inspection of tramways.

16. Wheresoever any of the tramways shall be constructed upon a bridge carrying a road over a railway or canal, the following provisions shall apply :

Protecting bridges over railways and canals.

(A.) The Company shall give fourteen days notice in writing to the company whose railway or canal is crossed, of the intention to commence the construction of the tramway, but shall, at the same time, send sufficient specifications or other information to show the nature of the interference with the bridge :

(B.) If the engineer of the railway or canal company shall be of opinion that the mode proposed of constructing the tramway will render the bridge insecure or injure it, and no method is agreed on of constructing the tramway to the satisfaction of the said engineer, the matter shall be referred to some engineer to be agreed upon between the parties, or, if they cannot agree, to be appointed by the Board of Trade, and the award of such referee shall be binding on both companies :

(C.) The works on the bridge shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the railway or canal company :

(D.) Any additional expense in the maintenance of the bridge or of the roadway on the same, or of the approaches thereto, occasioned by the construction, use, and maintenance of the tramway, shall be borne by the Company.

17. The Company may, subject to the provisions of this Act, and with the consent of the local authority, from time to time make all such crossings, passing places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as may from time to time be necessary or convenient for the efficient working of the tramways, or any of them, or for providing access to any stables or carriage sheds or works of the Company : Provided that after any such crossing, passing place, siding, junction, or other works have been made the local authority may, by notice to the Company, require the Company to remove the same, and, if the local authority so think fit, to remake or relay the same in some

Additional crossings, passing places, &c. may be made where necessary.

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Capital.

18. The capital of the Company shall be four hundred thousand pounds in twenty thousand shares of twenty pounds each.

Shares not to issue until fully paid up.

19. The Company shall not issue any share, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share is paid up in respect thereof.

Calls.

20. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of calls in any year upon any share.

Power to divide shares.

21. Subject to the provisions of this Act the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into two halves, of which one shall be called "preferred half share" and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon 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.

22. 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 specially convened for the purpose, 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.

23. 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 shall not be profits available for the pay-

ment 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.

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24. 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: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up, the directors shall cancel it.

Half shares to be registered and certificates issued.

25. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated in certificates.

26. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, 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.

Forfeiture of preferred shares.

27. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled, &c.

28. The several half shares under this Act 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 of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

29. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of his guardian or committee, as the case may be, shall be a sufficient discharge to the Company for the same.

Receipts on behalf of incapacitated persons.

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Power to
borrow on
mortgage.

30. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole one hundred and thirty-two thousand pounds, and of that sum they may borrow from time to time not exceeding thirty-three thousand pounds in respect of every one hundred thousand pounds of their capital, but no part of any such sum of thirty-three thousand pounds shall be borrowed until the whole of the respective one hundred thousand pounds of capital in respect of which it is to be borrowed is subscribed for, issued, and accepted, and fully 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 the respective one hundred thousand pounds of capital has been bonâ fide subscribed for, issued, and accepted, and fully paid up; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may
be enforced
by appoint-
ment of a
receiver.

31. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and 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 shall be made shall not be less in the whole than ten thousand pounds.

Moneys
borrowed on
mortgage to
have priority.

32. All moneys to be borrowed on mortgage under this Act from the time when the same shall be advanced, and the interest for the time being due thereon, shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them, but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act, or injuriously affected by the construction of any of the tramways or by the exercise of any of the powers conferred upon the Company.

Mortgages
to comprise
purchase
money paid
on compul-
sory sale.

33. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act, 1870, and may comprise all or any moneys carried to a contingency fund according to the terms of the mortgage.

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

34. Every mortgage deed to be granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways in the event of their being purchased by the local authority under the 43rd section of "The

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Tramways Act, 1870," and section 8. of this Act, or either of them, as the case may be. A.D. 18

35. The Company shall not create debenture stock.

No debenture stock

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

Application of moneys.

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

First ordinary meeting.

38. The quorum of a general meeting of the Company, whether ordinary or extraordinary, shall be ten shareholders, holding in the aggregate not less than four thousand pounds of the capital of the Company.

Quorum of general meetings.

39. The number of directors shall be three, but the Company may from time to time increase the number of directors, so that the number be not more than five.

Number of directors.

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

Qualification of directors.

41. The quorum of a meeting of directors shall be two whilst their number is three, and three when their number is more than three.

Quorum.

42. Loftus FitzWygram, William McCandlish, and William Eckersley shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act; or any of them, or may elect new directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election, and may appoint additional directors; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for increasing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors.

Election of directors.

43. The tramways shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed.

Period for completion of works.

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s for
engers.

44. The Company may demand and take for every passenger travelling upon the tramways or any of them, or any part or parts thereof respectively, including tolls for the use of the tramways and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding twopence per mile; and in computing the said tolls and charges the fraction of a mile shall be deemed a mile: Provided always, that in no case shall the Company be bound to charge a less sum than threepence.

Passengers
uggage.

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

Animals and
goods.

46. The Company may demand and take in respect of any animals, goods, materials, articles, or things conveyed by them on the tramways, including the tolls for the use of the tramways, and for waggons, trucks, and motive power, and every other expense incidental to the conveyance, any tolls or charges not exceeding the rates following:

Animals.

For every horse, mule, or other beast of draught or burden, twopence per head per mile:

For every ox, cow, bull, or head of cattle, one penny halfpenny per head per mile:

For calves, pigs, sheep, and small animals, one penny per head per mile.

Goods.

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, twopence per ton per mile:

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 fireclay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, twopence per ton per mile:

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, threepence per ton per mile:

For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, fourpence per ton per mile:

For every carriage, of whatever description, sixpence per mile.

Small Packages.

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

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

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

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

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, such sum as the Company may 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.

For the carriage of single articles 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, such sum as the Company may think fit, not exceeding eightpence per ton per mile :

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.

Regulations as to Tolls.

For articles or animals conveyed on the tramways for a less distance than four miles, the Company may demand tolls and charges as for four miles :

For the fraction of a ton the Company may demand tolls according to the number of the 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 and 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.

47. The Company shall not be bound, unless they think fit, to carry passengers luggage exceeding the weight in this Act in that behalf mentioned, nor any parcel, goods, or other article or thing.

Company not bound to carry goods.

[Ch. clxxiii.] *The Birmingham and Staffordshire* [35 & 36 VICT.]
Extension Tramways Act, 1872.

A.D. 1872.

Heavy traffic
confined to
certain
hours.

48. 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, nor shall any carriages, trucks, or waggons constructed for use upon railroads be permitted to pass along the tramways between the same hours without such consent.

Proof of
byelaws.

49. The production of a written or printed copy of any byelaws made under the authority of this Act, authenticated by the signature of the chairman of the Company, shall without proof of the signature of the chairman be evidence of the existence of such byelaws, and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled.

Form and
delivery of
notices.

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

1. Every notice shall be in writing or print, or partly in writing and partly in print, and if given by any road or local authority shall be sufficiently authenticated by being signed by their clerk or secretary :
2. Any notice to be delivered by or to the Company, to or by 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, and every such letter shall be deemed to be received by the authority, body, or company, or by the Company (as the case may be) on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Tramways
not exempt
from pro-
visions of
general Acts.

51. Nothing herein contained shall be deemed or construed to 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.

Expenses of
Act.

52. 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.