

[43 & 44 VICT.] *Education Department Provisional [Ch. cliv.]
Orders Confirmation (Cardiff, &c.) Act, 1880.*



CHAPTER cliv.

An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Cardiff, Liverpool, Southampton, and Walton-on-Thames to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. [12th August 1880.]

A.D. 1880.

WHEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Boards for Cardiff, Liverpool, Southampton, and Walton-on-Thames, and it is requisite that the same should be confirmed by Parliament:

33 & 34 Vict.
c. 75.

Be it therefore 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:

1. The following Orders shall be and are hereby confirmed, and from and after the passing of this Act shall have full validity and force.

Confirmation
of Orders.

2. This Act may be cited as the Education Department Provisional Orders Confirmation (Cardiff, &c.) Act, 1880.

Short title.

[Ch. cliv.] *Education Department Provisional [43 & 44 VICT.]
Orders Confirmation (Cardiff, &c.) Act, 1880.*

A.D. 1880.

THE SCHOOL BOARD FOR CARDIFF, COUNTY OF
GLAMORGAN.

*Provisional Order for putting in force the Lands Clauses
Consolidation Act, 1845.*

At the Council Chamber, the 5th day of June 1880.

WHEREAS the School Board for the Borough of Cardiff, in the county of Glamorgan, require to purchase certain pieces of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the lands so required to be purchased are set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order :

Now, therefore, the said Department having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this fifth day of June one thousand eight hundred and eighty.

(Signed) PATRICK CUMIN,

One of the Assistant Secretaries
of the Education Department.

SCHEDULE to the foregoing Order.

(1.) A piece of ground situate in Stacey Road, in the parish of Roath, in the town of Cardiff, in the county of Glamorgan, bounded on the north by Stacey

A.D. 1880.

Road, on the south by a proposed lane at the rear of houses and premises in Richards Road, on the east by land belonging to Messrs. Stacey, and on the west by a house and premises being No. 74, Stacey Road aforesaid, the quantity in square yards being 4,141 or thereabouts.

(2.) A piece of ground fronting Severn Road, in the parish of Llandaff, in the town of Cardiff, in the county of Glamorgan, bounded on the north by a house and premises called Waterloo Cottage and by a yard the property of Mr. Solomon Andrews, on the south partly by the rear of houses in Lewis Court and partly by No. 7, Severn Road and by the Bethesda Primitive Methodist Chapel, on the east by Severn Road, and on the west by the rear of houses in Union Street, the quantity in square yards being 6,731 or thereabouts.

THE SCHOOL BOARD FOR LIVERPOOL, COUNTY OF
LANCASTER.

*Provisional Order for putting in force the Lands Clauses
Consolidation Act, 1845.*

At the Council Chamber, the 6th day of April 1880.

WHEREAS the School Board for the borough of Liverpool, in the county of Lancaster, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition was stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to

[Ch. cliv.] *Education Department Provisional [43 & 44 VICT.]
Orders Confirmation (Cardiff, &c.) Act, 1880.*

A.D. 1880. put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this sixth day of April one thousand eight hundred and eighty.

(Signed) PATRICK CUMIN,
One of the Assistant Secretaries
of the Education Department.

SCHEDULE to the foregoing Order.

A piece of vacant building land situate on the south side of a new street or proposed new street called Granton Road and at the corner of Granton Road aforesaid, and another new street or proposed street called Davy Street, measuring on the north side in front to Granton Road 180 feet or thereabouts, area 1,276 square yards or thereabouts :

Together with the right in common with others entitled thereto to use Granton Road and Davy Street aforesaid, and also a certain intended common passage situate on the east side of the said land :

The owner being Mr. Richard Christopher Naylor, and the lessee and occupier being Mr. Peter Melvern Jones.

THE SCHOOL BOARD FOR SOUTHAMPTON, COUNTY OF
HANTS.

*Provisional Order for putting in force the Lands Clauses
Consolidation Act, 1845.*

At the Council Chamber, the 10th day of April 1880.

WHEREAS the School Board for the borough of Southampton, in the county of Hants, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

[43 & 44 VICT.] *Education Department Provisional* [Ch. cliv.]
Orders Confirmation (Cardiff, &c.) Act, 1880.

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order : A.D. 1880.

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this tenth day of April one thousand eight hundred and eighty.

(Signed) PATRICK CUMIN,
One of the Assistant Secretaries
of the Education Department.

SCHEDULE to the foregoing Order.

A piece of land situate at St. Denys, in the parish of South Stoneham, within the liberties of the town and county of the town of Southampton, bounded on the north by St. Denys Road, on the east by Dundee Road, on the south by land now or lately belonging to Mr. James Olliver, and on the west by land now or lately belonging to Mr. W. R. Mitchell, and containing in area altogether 28,042 square feet or thereabouts.

THE SCHOOL BOARD FOR WALTON-ON-THAMES,
COUNTY OF SURREY.

*Provisional Order for putting in force the Lands Clauses
Consolidation Act, 1845.*

At the Council Chamber, the 6th day of March 1880.

WHEREAS the School Board for the parish of Walton-on-Thames, in the County of Surrey, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and

[Ch. cliv.] *Education Department Provisional* [43 & 44 VICT.]
Orders Confirmation (Cardiff, &c.) Act, 1880.

A.D. 1880.

taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

And whereas the said Département, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this sixth day of March one thousand eight hundred and eighty.

(Signed) PATRICK CUMIN,
One of the Assistant Secretaries
of the Education Department.

SCHEDULE to the foregoing Order.

A piece of land on the west side of Balls Road, otherwise St. Mary's Road, Oatlands, in the parish of Walton-on-Thames and county of Surrey, abutting east on the said road 166 feet north on premises attached to Flower Cottage, and south and west on land of G. Jeffkins, Esq., area about three roods.

[43 & 44 VICT.] *London Tramways Company (Limited)* [Ch. clv.]
Capital Act, 1880.



CHAPTER clv.

An Act to confer further powers on the London Tramways Company (Limited). A.D. 1880.
[12th August 1880.] —

WHEREAS by the Metropolitan Street Tramways Act, 1869, the Metropolitan Street Tramways Company (herein-after called "the Metropolitan Company") were incorporated, and were authorised to lay down and maintain street tramways in the metropolis south of the River Thames :

32 & 33 Vict.
c. xciv.

And whereas by the Pimlico, Peckham, and Greenwich Street Tramways Act, 1869, the Pimlico, Peckham, and Greenwich Street Tramways Company (herein-after called "the Pimlico Company") were incorporated, and were authorised to lay down and maintain street tramways in the metropolis :

32 & 33 Vict.
c. xciv.

And whereas by divers subsequent Acts and Provisional Orders confirmed by Parliament the Metropolitan Company and the Pimlico Company were authorised to lay down and maintain additional tramways :

And whereas on the fourteenth day of December one thousand eight hundred and seventy the London Tramways Company (Limited) (in this Act called "the Company") were duly registered under and in accordance with the provisions of the Companies Acts, 1862 and 1867, as a Company limited by shares, with the objects, among other things, of purchasing, equipping, and working the undertakings of the Metropolitan Company and the Pimlico Company, and the capital of the Company was declared to be two hundred and fifty thousand pounds, divided into twenty-five thousand shares of the nominal amount of ten pounds each :

25 & 26 Vict.
c. 89.
30 & 31 Vict.
c. 131.

And whereas by the London Tramways Company (Limited) (Purchase) Act, 1873, (in this Act called "the Act of 1873,") the Metropolitan Company and the Pimlico Company respectively were authorised to sell to the Company their respective undertakings, and

36 & 37 Vict.
c. cciv.

[Ch. clv.] *London Tramways Company (Limited)* [43 & 44 VICT.]
Capital Act, 1880.

A.D. 1880. it was enacted that the provisions of every Act of Parliament, and Provisional Order confirmed by Act of Parliament, relating to the selling companies, should from and after the time agreed on for the respective sale to take effect (subject as therein provided, and except so far as the same related to the internal affairs or management of the selling companies, or might be inconsistent with the memorandum and articles of association of the Company,) be read and have effect as if the same had been passed with respect to the Company instead of with respect to the selling companies :

And whereas the undertakings of the Metropolitan Company and the Pimlico Company were respectively sold and transferred to the Company under the provisions of the Act of 1873, and are now vested in the Company :

And whereas the whole of the capital of two hundred and fifty thousand pounds has been issued and paid up, and is herein-after referred to as the ordinary capital of the Company :

And whereas the Company have raised and now owe on mortgage or debentures or debenture stock the sum of one hundred and ten thousand pounds, and the further sums of fifty-five thousand pounds and fifteen thousand pounds :

And whereas in the negotiation for the purchase of the undertakings of the Metropolitan Company and the Pimlico Company it was agreed with the shareholders in those companies, and it is provided by the articles of association of the Company, that scrip certificates should be delivered to the said shareholders, and that every scrip certificate should entitle the holder to the rights therein set forth, and should be in part to the following effect : " This is to
" certify that the bearer hereof is entitled, subject to the Company's
" regulations for the time being in force, to one twelve thousand
" five hundredth part of one half of the surplus profits of the
" Company during each year, after payment to the shareholders of
" the Company out of its profits during each year of a dividend not
" exceeding the rate of six pounds per centum per annum on the
" paid-up capital for the time being of the Company, and after
" setting aside sums for maintenance, repairs, depreciation, and
" renewals, and a contingencies fund of one per centum per annum
" on the amount of the paid-up capital of the Company for the
" time being " :

And whereas scrip certificates to bearer to the number of twelve thousand five hundred were issued by the Company, and the same are now outstanding, and are transferable by delivery :

And whereas it is provided by the articles of association of the Company that if on any sale of the undertaking to the Metropolitan

[43 & 44 VICT.] *London Tramways Company (Limited)* [Ch. clv.]
Capital Act, 1880.

Board of Works, under the provisions on that behalf in the Acts relating to the two companies, there should be a surplus of assets of the Company over what would be required for redeeming the shares of the Company at par, and for discharging all the debts and liabilities of the Company, such surplus assets shall be divisible in equal moieties, one moiety among the shareholders of the Company pro rata according to the number of shares held by them respectively, and the other moiety among the holders of scrip certificates pro rata as aforesaid :

A.D. 1880.

And whereas by a special resolution of the Company passed at an extraordinary general meeting of the Company held on the fourth day of March one thousand eight hundred and seventy-four, and confirmed at a subsequent extraordinary general meeting held on the nineteenth day of March one thousand eight hundred and seventy-four, it was resolved that the capital of the Company be increased by the issue of eight thousand shares of ten pounds each, bearing a preferential dividend of six pounds per centum per annum over the ordinary capital of the Company, dependent upon the profits of each year only, with such preferential rights in the distribution of the assets of the Company, in the event of the dissolution of the Company, as in the said resolution mentioned :

And whereas the whole of the said eight thousand preferential shares have been issued and paid up, and the capital represented thereby is herein-after referred to as the preferential capital of the Company :

And whereas in the working of the tramways up to the thirty-first day of December one thousand eight hundred and seventy-eight no proper provision for the efficient maintenance and repair of the same was made by the then directors of the Company, and the receipts accruing in respect of the working thereof were divided among the shareholders, without abatement of the sums which ought from time to time to have been set aside to meet depreciation and wear and tear of property and plant, and such maintenance and repair as aforesaid, and it was found upon investigation into the condition of the undertaking and the affairs of the Company, made in the early part of the year one thousand eight hundred and seventy-nine, that the value of the undertaking, by reason of such failure and neglect, had become depreciated to the extent of ninety-seven thousand one hundred and seventy-six pounds or thereabouts :

And whereas an injunction to restrain the directors of the Company from declaring and paying a dividend on the ordinary shares of the Company in respect of the half year then last past

[Ch. clv.] *London Tramways Company (Limited)* [43 & 44 VICT.]
Capital Act, 1880.

A.D. 1880. — was applied for by one of the scripholders of the Company upon the eighteenth day of February one thousand eight hundred and seventy-nine, on the ground that there were no net profits available for the payment of such dividend, and in the proceedings following such application an order was, upon the fourteenth day of March one thousand eight hundred and seventy-nine, pronounced by the Master of the Rolls, restraining the directors of the Company from paying any sums of money for dividend on the ordinary shares of the Company until judgment or further order :

And whereas no dividends have been paid upon the ordinary shares of the Company since the thirtieth day of June one thousand eight hundred and seventy-eight, and in pursuance of the order pronounced by the Master of the Rolls in the said application no dividends on such shares can be paid until the tramways, properties, working plant, and undertaking of the Company have been brought back to a state of efficiency, and due provision has been made for maintaining and keeping the same in repair :

And whereas the present directors of the Company since they came into office have applied to this object the following sums of money, that is to say, fifteen thousand pounds or thereabouts which formed the contingencies fund of the Company, fourteen thousand pounds or thereabouts from the free revenues of the Company, and fifty-five thousand pounds borrowed by the Company on mortgages or debentures or debenture stock, and they are in the course of executing and are under contract to execute and complete further works at a cost of twelve thousand pounds or thereabouts, and have for that purpose borrowed on mortgages or debentures or debenture stock a further sum of fifteen thousand pounds, and the tramways, properties, working plant, and undertaking of the Company will, by means of such outlays made and contracted to be made as aforesaid, be brought back to a state of efficiency and to the original condition from which they have become depreciated as aforesaid :

And whereas the Company at an extraordinary general meeting called with special notice of the purpose, held on the sixth day of August one thousand eight hundred and seventy-nine, and by adjournment on the twenty-seventh day of the same month and year, agreed to the terms and conditions set forth in the Bill for this Act as introduced into Parliament, and such of the holders of the said scrip certificates as are known to the Company, holding altogether not less than ten thousand scrip certificates, have signified in writing their consent to the same :

And whereas, unless provision be made for gradually replacing the said sum of ninety-seven thousand one hundred and seventy-six

[43 & 44 VICT.] *London Tramways Company (Limited)* [Ch. clv.]
Capital Act, 1880.

pounds, there will not for some years be any profits of the Company available for payment of a dividend to the ordinary shareholders of the Company, or for distribution amongst the holders of the scrip certificates, and it is expedient that such provisions be made as are herein-after contained with reference to the application of the profits of the Company :

A.D. 1880.

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 :

1. This Act may be cited as the *London Tramways Company (Limited) Capital Act, 1880.*

Short title.

2. Within six calendar months after the passing of this Act the Company shall bring back their tramways, properties, working plant, and undertaking to a state of efficiency in accordance with the said recited order of the Master of the Rolls.

Company to restore tramways to a state of efficiency.

3. The Company shall make due provision for maintaining their tramways, properties, working plant, and undertaking, and for keeping the same in repair in accordance with the same order.

Provision for maintaining tramways, &c.

4. In each year (commencing at and from the thirtieth day of June one thousand eight hundred and eighty) which shall elapse before the said sum of ninety-seven thousand one hundred and seventy-six pounds shall be accumulated as in this Act provided, the profits of the Company, after payment of maintenance and working expenses, and interest on the said sum of one hundred and ten thousand pounds, and on any other sum which may be borrowed by the Company other than the said sums of fifty-five thousand pounds and fifteen thousand pounds, and after setting aside such sums as may be required to make due provision for maintaining the tramways, properties, working plant, and undertaking of the Company, and keeping the same in repair, shall be applied as follows : So much of such profits as would amount to a dividend of six pounds per centum on the preferential and ordinary capital of the Company shall be applied—

Provision for payment of dividends.

1. In payment of interest accrued due, whether in respect of the current year or any preceding year, on the said sums of fifty-five thousand pounds and fifteen thousand pounds, or so much thereof respectively as may for the time being remain unpaid ;

[Ch. clv.] *London Tramways Company (Limited)* [43 & 44 VICT.]
Capital Act, 1880.

A.D. 1880.

2. In payment of a dividend not exceeding six pounds per centum on the existing preferential capital of the Company, not exceeding eighty thousand pounds ;
3. In payment of an instalment of two thousand five hundred pounds to the sinking or depreciation fund in respect of the current year, and in making good any deficiencies in any such instalment in respect of any preceding year ;
4. In payment of a dividend not exceeding six pounds per centum on any preferential capital of the Company other than the said eighty thousand pounds ;
5. In payment of a dividend not exceeding six pounds per centum on the ordinary capital of the Company ;

and the residue (if any) of such profits shall be divided as to one moiety among the scrip certificate holders, and as to the other moiety among the ordinary shareholders: Provided that, except as in this Act provided, and notwithstanding anything in the articles of association of the Company or elsewhere contained, the Company shall not be entitled to set aside any contingencies fund, so as to prejudice the rights of the scrip certificate holders to one moiety of the profits of the Company, after setting aside a sum equal to a six pounds per centum dividend on the share capital of the Company.

Provision for formation of an accumulated fund.

5. All instalments and arrears of instalments carried to the sinking or depreciation fund, and any sums which may be recovered from any person in respect of any past misapplication of the Company's moneys (which last-mentioned sums shall also be carried to the sinking or depreciation fund), shall be accumulated at compound interest, by investment in such manner as the directors of the Company may think fit, until the said fund shall amount to ninety-seven thousand one hundred and seventy-six pounds.

Application of accumulated fund.

6. The said sinking or depreciation fund, when accumulated to the amount of ninety-seven thousand one hundred and seventy-six pounds as herein-before provided, and all securities representing the same, shall be applied as follows :

1. In paying off the said sums of fifty-five thousand pounds and fifteen thousand pounds and all interest thereof :
2. In restoring the contingencies fund of the Company to the extent of fifteen thousand pounds :
3. In paying off any other debt of the Company and the interest thereof :
4. For any of the purposes for which the ordinary or preferential capital of the Company may be applied.

[43 & 44 VICT.] *London Tramways Company (Limited)* [Ch. clv.]
Capital Act, 1880.

7. In the event of the Company not restoring their tramways, properties, working plant, and undertaking to a state of efficiency in accordance with the recited order of the Master of the Rolls within the said six months after the passing of this Act, and so long as such default shall continue after the expiration of that period, no dividend shall be declared or paid upon the preferential or ordinary share capital of the Company, other than a dividend not exceeding six pounds per centum on the said existing preferential capital of the Company, not exceeding eighty thousand pounds. A.D. 1880.
Surplus income not to be applied in payment of dividends until tramways brought back to a state of efficiency.
8. Nothing in this Act contained shall render it compulsory on the Company or the directors to declare or pay any dividend out of the profits of the Company, or to distribute any part thereof among the holders of the said scrip certificates, further or otherwise than they would respectively have been bound to do if the recited order of the Master of the Rolls had not been made and this Act had not been passed. Not compulsory on the Company to divide surplus income.
9. Except as in this Act expressly provided, nothing herein contained shall affect the mortgages, debentures, or debenture stock of the Company, nor the rights of the holders of the existing preferential capital of the Company, nor the rights of the scrip certificate holders under the articles of association of the Company, or otherwise. Saving rights of mortgagees, preference and scrip certificate holders.
10. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company. Expenses of Act.

