



CHAPTER ccxl.

An Act to extend the time for the completion of the tramways authorised by the Plymouth Devonport and District Tramways Act 1882 and for other purposes. A.D. 1884.

[7th August 1884.]

WHEREAS by the Plymouth Devonport and District Tramways Act 1882 (herein-after referred to as "the Act of 1882") the Plymouth Devonport and District Tramways Company (herein-after referred to as "the Company") were incorporated with power to make certain tramways in the county of Devon and to raise for that purpose a sum of one hundred and twenty-five thousand pounds by the creation and issue of twelve thousand five hundred shares of ten pounds each and a further sum of thirty-one thousand pounds by borrowing :

And whereas the Company some time since commenced and are proceeding with the construction of the tramways authorised by the Act of 1882 and have issued shares for forty-seven thousand three hundred and ten pounds only of the capital of one hundred and twenty-five thousand pounds authorised by that Act which shares have been accepted and the sum of forty thousand three hundred and twenty-two pounds has been paid thereon :

And whereas it is expedient that the time limited by the Act of 1882 for the construction of certain of the tramways thereby authorised should be extended :

And whereas the purposes aforesaid cannot be effected 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 for all purposes be cited as the Plymouth Devonport and District Tramways Act 1884. Short title.

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Incorporation of
general Acts.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the borrowing of money by the Company on mortgage and Parts I. (cancellation and surrender of shares) and II. (additional capital) of the Companies Clauses Act 1863 shall as varied by this Act be incorporated with and form part of this Act.

Extension of
time for com-
pleting tram-
ways autho-
rised by the
Act of 1882.

3. The time limited by the Act of 1882 for the completion of the Tramways Nos. 1 3 5 6 and 7 thereby authorised is hereby extended until the twenty-fourth day of July one thousand eight hundred and eighty-five And section 63 of the Act of 1882 shall be read as if the period therein referred to for the completion of the Tramways Nos. 1 3 5 6 and 7 by that Act authorised was the extended time limited by this Act.

If tramways
not com-
pleted within
extended
period
powers to
cease.

4. If the tramways authorised by the Act of 1882 shall not be completed within the period limited by this Act then on the expiration of such period the powers by the said Act and this Act granted to the Company for making and completing the tramways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Company to
carry mails.

5. The Company if required by the Postmaster-General shall perform with respect to any of the tramways by this Act or the Act of 1882 authorised all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act 1882) as the Postmaster-General may from time to time require by notice under the hand of one of the secretaries or assistant secretaries of the Post Office or the Inspector-General of Mails for the time being the remuneration for such services being determined by agreement or failing agreement by a referee to be appointed by the Board of Trade at the request of either party.

Provided that except by agreement no mails shall be tendered for conveyance to the Company unless such mails are in charge of an officer of the Post Office and provided that except by agreement the aggregate weight of mails in charge of any one officer shall not exceed the maximum weight of luggage for the time being allowed to an ordinary passenger and shall not be carried on the seat or so as to inconvenience passengers but nothing in this section shall deprive the Postmaster-General of the right of requiring the Company to convey mails either as parcels or goods if and to the same extent as the Company are at any time conveying parcels or goods on their own account.

In this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873.

6. Notwithstanding anything in the Act of 1882 contained the Company may in respect of the sum of thirty-one thousand pounds which they are by that Act authorised to borrow from time to time borrow on mortgage of their undertaking the following sums viz. as soon as three miles and two furlongs in length of the tramways authorised by the Act of 1882 (double lines being for this purpose reckoned as single lines) have been completed and are open for traffic the Company may borrow any sum not exceeding twelve thousand two hundred and fifty pounds in respect of fifty thousand pounds portion of the share capital of one hundred and twenty-five thousand pounds authorised by that Act and when the said sum of twelve thousand two hundred and fifty pounds has been so borrowed the sum of eighteen thousand seven hundred and fifty pounds in respect of seventy-five thousand pounds the residue of the said share capital but no part of either sum of twelve thousand two hundred and fifty pounds and eighteen thousand seven hundred and fifty pounds shall be borrowed until the portion of capital in respect of which it is to be borrowed shall have been issued and accepted and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such portion of capital 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 of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

A.D. 1884.
 Variation of
 borrowing
 power con-
 tained in Act
 of 1882.

7. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Plymouth (in this section referred to as the corporation) shall with reference to the tramways authorised by the Act of 1882 apply and have effect:—

Provisions
 for the pro-
 tection of the
 corporation
 of Plymouth.

1. Tramway No. 3 shall not be constructed between a point opposite to the tap door of the Globe Hotel and the point of junction of Bedford Street with Westwell Street as a double line;
2. In respect of Tramway No. 1 the Company shall pay to the corporation such sum or sums of money as may be expended

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by the corporation in the purchase of land for the rounding off of corners or otherwise improving the roads along which such tramway shall be laid not exceeding in the whole three hundred and fifty pounds;

3. The Company shall purchase by agreement or failing agreement will within two years from the passing of this Act apply for and use their best endeavours to obtain power for the compulsory purchase of the houses lands and premises known as Nos. 45 and 46 Frankfort Street and Nos. 1 2 and 3 Russell Street and immediately on obtaining such power the Company will exercise the same;
4. Within six months of the acquisition of the said houses lands and premises or any of them the Company shall clear the land of all buildings and dedicate to the public as part of the adjoining road so much of the lands as the corporation shall require for the purpose of widening and improving the street;
5. The elevation of all buildings to be erected on the lands remaining to the Company shall be subject to the approval of the corporation;
6. If the Company shall fail to acquire the said houses lands and premises or any of them within two years from the passing of this Act and the corporation shall at any time acquire the same the Company on demand shall pay to the corporation the amount of purchase money and compensation together with all costs and expenses attending such acquisition and thereupon the corporation shall convey to the Company so much of such lands as shall not in the opinion of the corporation be required for the widening or improvement of the adjoining road;
7. The Company will within three months after the corporation have widened and improved Bedford Street and Westwell Street at their junction pay to the corporation the sum of one hundred pounds as a contribution towards the cost of so widening and improving Bedford Street and Westwell Street at their junction as aforesaid;
8. The Company shall pay to the corporation the costs charges and expenses incurred by them in relation to their petition against the Bill for this Act and the insertion therein of these provisions not exceeding twenty pounds.

8. The following provisions for the protection of the mayor aldermen and burgesses of the borough of Devonport (herein-after

Provisions
for the
protection

called the Devonport Corporation) shall be observed and have effect that is to say:— A.D. 1884.

1. In addition to the sum of fifty thousand pounds raised by the Company by shares the Company may expend and apply the further sum of five thousand pounds towards the completion and equipment of the Tramways Nos. 1 3 and 4 which are situate in the borough of Plymouth and the portion of Tramway No. 5 which is situate within the same borough or such portion thereof as may be necessary to connect the Devonport portion thereof with the existing line of the Company ;
2. The Company shall expend and apply all further moneys raised by them either by shares or borrowing and either under the powers contained in the Act of 1882 or in this Act over and above the sums of fifty thousand pounds and five thousand pounds in the first place in constructing and completing the portion of Tramway No. 5 which is situate in the borough of Devonport and Tramway No. 7 which is wholly situate in the borough of Devonport and the Company shall not expend or apply any moneys to be raised by them towards any other purposes than the purposes authorised by this section as aforesaid until the whole of the said tramways are completed and opened for public traffic ;
3. If the Company within two months after having raised the sum of twenty-five thousand pounds additional capital do not substantially commence the works on the portion of Tramway No. 5 which is situate in the borough of Devonport and Tramway No. 7 which is wholly situate within the same borough they shall be liable to pay to the Devonport Corporation a penalty of not exceeding five pounds for every day on which they fail to do so to be recoverable in any court of competent jurisdiction ;
4. The provisions contained in this section shall be in addition and without prejudice to any provisions contained in the Act of 1882 for the protection and benefit of the Devonport Corporation.

9. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

of the corporation of Devonport.

Interest not to be paid on calls paid up.

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

10. 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 to authorise the Company to construct any other tramway or to execute any other work or undertaking.

Provision as
to general
Tramway
Acts.

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

Costs of
Act.

12. 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.