



## CHAPTER cxi.

An Act to confer further Powers on the Glyn Valley Tramway Company ; and for other purposes. [31st July 1885.]

A.D. 1885.

WHEREAS by the Glyn Valley Tramway Act 1870 (herein-after called "the Act of 1870") a company (herein-after called "the Company") was incorporated by the name of "The Glyn Valley Tramway Company" with power to make and maintain certain tramways in the counties of Salop and Denbigh which have been duly constructed and opened for the conveyance of traffic :

And whereas the Company were by that Act authorised to raise twenty-five thousand pounds by shares and eight thousand three hundred pounds by borrowing :

And whereas the capital created and issued by the Company is sixteen thousand nine hundred and eighty pounds leaving a balance of eight thousand and twenty pounds to be raised by the creation of shares and no money has been borrowed by the Company :

And whereas by the Glyn Valley Tramway Act 1878 (herein-after called "the Act of 1878") the Company were authorised to make a certain deviation of their existing tramway two new tramways or railways in extension of their existing tramways and a certain road in connexion with their undertaking and they were by that Act authorised to raise thirteen thousand pounds by shares and three thousand pounds by borrowing :

And whereas the powers to construct the said deviation and the said two new tramways and road and to raise additional capital authorised by the Act of 1878 have not been exercised and it is expedient that the said powers and also the money powers granted for the purposes thereof should be cancelled and repealed :

And whereas it is expedient that the Company should be authorised to make the deviations and the tramways herein-after described and to abandon so much of their existing tramways as is herein-after described and which will be rendered unnecessary by the construction

A.D. 1885. — of the said deviations and the new Tramway No. 3 by this Act authorised :

And whereas it is expedient that the Company should be empowered in the manner and subject to the provisions herein-after contained to work the tramways constructed under the powers of the Act of 1870 and the deviations and tramways authorised by this Act by steam or other mechanical or motive power :

And whereas so much of the Company's existing undertaking as is situate to the east of a point in this Act herein-after described on Tramway No. 2 authorised by the Act of 1870 will be rendered unnecessary by the construction of the Tramway or Railway No. 4 by this Act authorised and it is expedient that the Company be authorised to abandon the same and to sell and dispose of the land taken for the purposes thereof :

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of the said deviations and tramways as herein-after provided :

And whereas it is expedient that the Company should be authorised to make arrangements with the holders of the existing fully paid-up shares in the Company for the surrender of their shares and for cancelling the same and issuing to them of new shares of such reduced amount as may be agreed upon :

And whereas plans and sections showing the lines and levels of the deviations and new tramways or railways authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Denbigh and the clerk of the peace for the county of Salop respectively and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act 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 :

Short title.

1. This Act may be cited as the Glyn Valley Tramway Act 1885.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883 the provisions of the Railways Clauses Consolidation Act 1845



A.D. 1885.

“with respect to the construction of the railway and the works connected therewith” “with respect to the temporary occupation of lands near the railway during the construction thereof” and “with respect to mines lying under or near the railway” The clauses and 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 the means of enforcing the payment of calls The forfeiture of shares for non-payment of calls The remedies of creditors of the Company against the shareholders The borrowing of money by the Company on mortgage or bond The conversion of borrowed money into capital The consolidation of the 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 giving of notices and The provision to be made for affording access to the special Act by all parties interested 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 are (in so far as applicable and except where expressly varied by this Act) incorporated with and form part of this Act Provided always that in construing the provisions of the Railways Clauses Consolidation Act 1845 as part of this Act the expression “the railway” shall mean the tramways or railways by this Act authorised.

3. The Tramways Act 1870 except as herein-after provided shall not apply to the tramways or railways by this Act authorised.

The Tramways Act 1870 not to apply.  
Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression “the tramways” means the deviations of tramways and the new tramways or railways by this Act authorised The expression “the undertaking of the Company” means the undertaking of the Company as authorised by the Act of 1870 and by this Act The expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on

Power to make tramways.

A.D. 1885.

the deposited plans and sections the deviations and tramways or railways herein-after described with all proper iron or other rails plates works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes The deviations and tramways or railways herein-before referred to and authorised by this Act are :

1. A deviation tramway (single line) one furlong two chains forty links in length of the Tramway No. 2 authorised by the Act of 1870 commencing by a junction with such tramway at a point thereon east of Pont-dol-y-wern distant four miles three furlongs and three chains or thereabouts from the commencement of such tramway and terminating by a junction with such tramway at a point thereon west of Pont-dol-y-wern aforesaid distant four miles four furlongs and seven chains or thereabouts from the commencement of such tramway :
2. A deviation tramway (single line) six chains eighty-five links in length of the Tramway No. 2 authorised by the Act of 1870 commencing by a junction with such tramway at or near a point thereon east of the public-house called "The New Inn" distant five miles four furlongs one chain and fifty links or thereabouts from the commencement of such tramway and terminating by a junction with such tramway at a point thereon east of "The New Inn" aforesaid distant five miles four furlongs eight chains and ten links or thereabouts from the said commencement of such tramway :
3. A tramway or railway (single line) three miles two furlongs and seven chains in length commencing by a junction with the said Tramway No. 2 at its existing terminus at or near the public-house called "The New Inn" in the parish of Llansaintffraid Glyn Ceiriog and terminating in a field No. 266 on the new ordnance survey and map (scale  $\frac{1}{2500}$ ) for the parish of Llanadwaladr in the county of Denbigh situate at or near the junction of four cross-roads at or near the village of Tregeiriog :
4. A tramway or railway (single line) one mile five furlongs and one chain in length commencing by a junction with the Tramway No. 2 authorised by the Act of 1870 at or near a point thereon distant five furlongs or thereabouts westwards from the commencement of such tramway and terminating at a point ten feet south from the centre of the southern fence of the piece of land numbered 632 on the new ordnance survey and map (scale  $\frac{1}{2500}$ ) for the parish of Chirk in the county of Denbigh situate at or near the junction of the Black



Park Colliery Branch Canal with the Shropshire Union Railways and Canal Company's Canal.

A.D. 1885.

6. When and so soon as the Tramway or Railway No. 4 hereby authorised shall be opened for public traffic the Company may discontinue and abandon so much of their existing undertaking as is situate to the east of a point on the Tramway No. 2 authorised by the Act of 1870 where that tramway crosses over the Great Western Railway on the bridge which carries the road numbered 552 on the ordnance map (scale  $\frac{1}{2500}$ ) in the parish of Saint Martin in the county of Salop and the land taken and used for the purposes of so much of their undertaking so to be abandoned as aforesaid shall revert to and become the property of the persons entitled to the lands from which the same was originally severed and the Company shall thenceforth be freed and discharged from the payment of any rent for which they may be liable in respect of the land so taken or any part thereof.

Power to discontinue and abandon certain portions of company's existing undertaking.

7. The Company shall not without the consent in writing of the person entitled to the lands and estate called and known as Quinta take up or remove any of the rails points or crossings which now form the Company's branch tramway from Pont Faen to the Great Western Railway but such branch tramway shall remain open to be run over and used by such person without making any payment therefor who shall also have the right of maintaining the same at his option and expense so that such branch tramway may remain and be used as a continuous line of tramway with the remainder of the Company's undertaking :

Provision as to Quinta Branch Tramway.

The Company shall from and after the opening of the Tramway or Railway No. 4 by this Act authorised afford all proper and sufficient facilities for the reception forwarding interchange and delivery of traffic of whatever description passing or intended to pass to or from the tramways of the Company or any part thereof from or to the Quinta estate and shall from time to time duly receive transmit and deliver on their tramways all such traffic in all respects on an equality with their own traffic as if the said branch tramway still continued to be worked and maintained by the Company :

The traffic facilities to be so afforded shall include the supply of waggons and trucks in the same manner and on the same terms as to other traders :

From and after the opening for public traffic of the said Tramway or Railway No. 4 the Company may so far as regards their own liabilities discontinue the maintenance and working of the said branch tramway and be freed and discharged from the payment of any rent for which they may be liable in respect of the same but shall notwithstanding anything contained in this Act and as

A.D. 1885.

compensation to the owner for the time being of the Quinta estate for such discontinuance of the maintenance and working by the Company of the said branch tramway and non-payment of future rent in respect of the lands forming part of the Quinta estate over which the Company now have a way-leave convey traffic to or from and between the point of junction of their tramway with the said branch tramway and the terminus of the said Tramway or Railway No. 4 at or near the junction of the Black Park Colliery Branch Canal with the Shropshire Union Canal for the purpose of being forwarded by canal for the sum of threepence per ton for the entire distance :

In respect of all traffic to or from the said branch tramway going towards to or beyond the village of Liansaintffraid Glyn Ceiriog or vice versâ the Company shall charge threepence per ton less than they are for the time being charging in respect of traffic coming from or going to the terminus of the Tramway or Railway No. 4 at or near the Shropshire Union Canal or any wharf or station which may for the time being be used for the interchange of traffic with the Great Western Railway at or near the Chirk Station on that railway.

Provision for communication and interchange of traffic with the Shropshire Union Canal.

**8.** The Tramway or Railway No. 4 by this Act authorised shall be extended so as to admit of the direct exchange of traffic at the termination thereof with the Shropshire Union Railways and Canal Company's Canal at and upon the piece of land numbered 11 in the parish of Chirk upon the deposited plan of the said tramway and the said tramway shall not be opened for traffic unless and until such extension shall be completed.

Power to abandon portions of existing tramways rendered unnecessary by the deviations authorised by this Act.

**9.** When and so soon as the Company have constructed and opened for traffic the deviations by this Act authorised they shall discontinue and abandon so much of the Tramway No. 2 authorised by the Act of 1870 as lies between the commencement and termination of the said deviations and will be superseded and rendered unnecessary by the construction of those deviations.

Power to apply corporate funds for the purposes of this Act.

**10.** The Company may apply to the purposes of the deviations and tramways or railways by this Act authorised any moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of the Act of 1870 and which may not be required for the purposes to which they are by that Act made specially applicable.

Money powers of Act of 1878 repealed. Power for

**11.** From and after the passing of this Act the powers granted to the Company by the Act of 1878 to raise money by shares or borrowing shall be and the same are hereby cancelled and repealed and for the purposes of the deviations tramways or railways and



works authorised by this Act the Company may raise any additional capital not exceeding in the whole thirty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively exclusive of the moneys which they are authorised to raise by the Act of 1870 but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

A.D. 1885.  
the Com-  
pany to  
raise addi-  
tional  
capital.

**12.** The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

New shares  
or stock to  
be subject  
to the same  
incidents as  
other shares  
or stock.

**13.** Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends  
on new  
shares or  
stock.

**14.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Restrictions  
as to votes  
in respect of  
preferential  
shares or  
stock.

**15.** The Company may from time to time raise the sum of eight thousand and twenty pounds being the amount still unissued of the capital authorised by the Act of 1870 by the issue at the option of the Company of ordinary shares or stock but the Company shall not issue any such share of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Power to  
Company  
to raise  
unissued  
capital by  
ordinary  
shares or  
stock.

**16.** One fifth of the amount of a share shall be the greatest amount of a call and two 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 the calls made in any year upon any share.

Calls.

Receipt  
clause in  
case of  
persons not  
sui juris.

Power to  
borrow.

**17.** If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

**18.** In addition to the sum which the Company are authorised by the Act of 1870 to borrow for the purposes of that Act the Company may from time to time for the purposes of this Act borrow on mortgage of their undertaking any sum not exceeding in the whole ten thousand pounds but no part thereof shall be borrowed until the whole additional capital of thirty thousand pounds is issued and accepted and one half thereof is paid up 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 additional 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 capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the additional capital as is to be raised by means of stock is fully paid up and until 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 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 additional capital is raised by shares 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.

Repealing  
provisions  
of former  
Acts as to  
receiver.

For appoint-  
ment of a  
receiver.

**19.** The provisions of all former Acts relating to the Company for the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending and the mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture  
stock.

**20.** Subject to the provisions of Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Company may create and issue debenture stock in respect of the sums authorised by the Act of 1870 and by this Act to be raised by mortgage but notwith-



standing anything in the said provisions contained the interest of all debenture stock created and issued and of all mortgages granted under the Act of 1870 or under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

**21.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

Application of additional capital.

**22.** And whereas no dividend has hitherto been earned or paid in respect of the shares of the existing capital of the Company all which are fully paid up and with the view of facilitating the raising of the capital for execution of the works authorised by this Act and thereby extending the Company's undertaking and placing it in direct and convenient communication with the Great Western Railway and also with the Shropshire Union Railways and Canal Company's Canal the holders of the said existing shares have intimated their willingness to accept in lieu of their existing shares new shares of a smaller amount Therefore if the directors of the Company shall arrange and agree with such existing shareholders or any of them for the surrender of their shares and for the acceptance in lieu thereof of shares representing a smaller amount of the capital of the Company then and in that case the directors of the Company may accept a surrender of the said shares which shall upon such surrender be cancelled and they may issue to the person or persons surrendering the same certificates for shares to the amount severally agreed to be accepted by the holders of the shares so surrendered as in lieu thereof and the aggregate amount of the capital authorised by the Act of 1870 shall thereupon be reduced proportionately to the difference between the nominal amount of the shares so surrendered and the shares issued in lieu thereof.

Company may by agreement commute existing shares for shares of a less aggregate amount.

**23.** And whereas under powers to that effect granted to them by the Act of 1878 the Shropshire Union Railways and Canal Company (herein-after called "the Shropshire Union Company") have subscribed to the undertaking of the Company the sum of six thousand pounds which sum was contributed and applied as by that Act authorised out of moneys under the control of the joint committee of that company and of the London and North-western Railway Company acting in pursuance of the agreement between the said two companies dated the twenty-fifth day of March one thousand eight hundred and fifty-seven. scheduled to and confirmed

Provision as to shares in the Company held by the Shropshire Union Company.



A.D. 1885. by the London and North-western Railway (Additional Powers) Act 1861 and whereas it was by the Act of 1878 provided that the Shropshire Union Company should not sell dispose of or transfer any of the shares in the company for which they might subscribe and the Shropshire Union Company are desirous to sell and dispose of their shares in lieu of accepting of shares in the Company for a smaller amount Therefore notwithstanding anything in the Act of 1878 contained the Shropshire Union Company may sell and dispose of the shares held by them in the company for such sum as may be agreed upon in like manner as if no restriction upon their selling and disposing of the same had been contained in the Act of 1878 Provided always that the price to be received upon a sale and transfer of the said shares shall be restored by the Shropshire Union Company to the fund from which the moneys paid for the said shares was drawn as aforesaid and be subject to the uses and purposes for which the said fund was previous to the purchase of the said shares held by the said joint committee of the Shropshire Union Company and the London and North-western Railway Company.

Lands for extraordinary purposes.

**24.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed one acre.

Period for compulsory purchase of lands.

**25.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Deposit money not to be paid except so far as line is opened.

**26.** Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of four hundred and seventy-six pounds three shillings and ninepence New Three per cent. Annuities being equal to five per cent. upon the amount of the estimate in respect of the tramways has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the tramways for the public



conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the Chancery Division of the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

**27.** If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid 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 if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund 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 Chancery Division thinks fit to order on the application of the solicitor to 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 Chancery 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 provided that until the deposit fund has been repaid to the depositors or has become

Application  
of deposit.

A.D. 1885. — otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of  
portion of  
deposit in  
respect of  
Act of 1878.

**28.** Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of six hundred and fourteen pounds being five per cent. upon the amount of the estimate in respect of the tramways or railways and the road or highway proposed to be authorised by the Bill for the Act of 1878 was deposited with the Chancery Division of the High Court of Justice in England which sum has since been invested in the purchase of six hundred and nine pounds four shillings and sixpence Three pounds per centum Consolidated Bank Annuities now standing in the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England :

And whereas the powers of the Act of 1878 have not been exercised and the tramways or railways and other works by that Act authorised have not been constructed :

And whereas the Deviation No. 1 and also the tramway or railway numbered 3 by this Act authorised will be in substitution for the deviation and the Tramway or Railway No. 2 authorised by the Act of 1878 :

And whereas a sum equal to five per cent. upon the amount of the estimate in respect of the tramways or railways by this Act authorised has been deposited as aforesaid with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of such tramways or railways Therefore subject to the provisions of section nineteen of the Act of 1878 with respect to payment of compensation to landowners and other persons injured and to protection of creditors on the application of the depositors at any time after the passing of this Act the said Chancery Division may and shall order that a sum of four hundred and fifty-seven pounds eight shillings and elevenpence Three pounds per centum Consolidated Bank Annuities part of the said sum of six hundred and nine pounds four shillings and sixpence Three pounds per centum Consolidated Bank Annuities and the interest and dividends thereon shall be paid or transferred to the depositors or to any person or persons whom they may appoint on their behalf.

Mode of  
formation  
of tramways  
on road.

**29.** The tramways shall be constructed of the same gauge as the existing tramways of the Company and where the same are intended to be made along or across any road the same shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road and shall not be



opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade. A.D. 1885.

**30.** The provisions contained in the following sections of the Act of 1870 shall extend and apply to the Company and to so much of the tramways authorised by this Act as shall be constructed across or upon a public road (that is to say): sections sixty six-  
one and sixty-five to seventy-four both inclusive. Certain provisions of Act of 1870 to apply to this Act.

**31.** If the tramways by this Act authorised are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing 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.

**32.** Subject to the provisions herein contained the lands and property from time to time acquired by the Company by virtue of this Act and the tramways and works connected therewith by this Act authorised to be constructed shall for all purposes of tolls rates and charges and for all other purposes whatsoever be part of the tramways works and property of the Company as if the Company had by the Act of 1870 been authorised to acquire make and maintain the same. New lines of tramway to be part of the Company's undertaking.

**33.** The Company in addition to any other tolls rates or charges which they can lawfully demand and recover may demand and recover a reasonable charge for loading and unloading goods at any terminal station in respect of such goods for warehousing of goods and for delivery and collection and any other services performed by them incidental to the business or duty of a carrier where such services are performed by the Company. Power to Company to charge for warehousing of goods &c.

**34.** With respect to consignments of articles of great weight or length the Company may for the carriage of any such article which by reason of its length or weight may require more than one carriage demand and recover such sum as they think fit. Provision as to articles of great weight or length.

**35.** The provisions of the Railway and Canal Traffic Act 1854 and of the Regulation of Railways Acts 1873 and 1874 shall apply to the Company as if they were a railway or canal company and to the tramways authorised by the Act of 1870 and by this Act as if those tramways were railways or canals. Railway and Canal Traffic Act 1854 and Regulation of Railways Acts 1873 and 1874 to apply to Company.

**36.** And whereas the tramways will communicate with both the Great Western Railway and the canal of the Shropshire Union Company the Company shall in working the traffic upon the said tramways afford to both these companies equal facilities by way of For securing equality of treatment to the Great Western



A.D. 1885.

Railway  
Company  
and the  
Shropshire  
Union  
Company.

Carriages  
may be  
moved by  
animal  
steam or  
mechanical  
power.  
Conditions  
as to use of  
steam and  
mechanical  
power.

through booking through rates equal rates loading and unloading of goods and otherwise with respect to the forwarding and interchange of traffic to from and between the systems of the said railway company and the said canal company respectively and the tramways of the Company.

**37.** The carriages used on the tramways authorised by the Act of 1870 and by this Act may subject to the provisions of this Act be moved by animal power and during a period of seven years after the granting by the Board of Trade of an order to that effect and with the consent of the Board of Trade 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 to the said board by steam power or any mechanical power not including electricity 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 the tramways.

Penalty for  
using steam  
or mechanical  
power  
contrary to  
regulations  
&c.

**38.** The Company or any other company or person using steam or any mechanical power on any of the tramways when the same are laid across or upon any public road contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act annexed 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 further penalty not exceeding five pounds for every day after the first during which such offence continues 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 other company or person using steam or any mechanical power on so much of the tramways as aforesaid under the authority of this Act has made default in complying with the provisions of this Act or with any of the regulations set forth in the schedule to this Act annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such



other company or 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 case the Board of Trade shall make a special report to Parliament notifying the making of such order.

A.D 1885.  
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**39.** 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 tramway laid across or upon any public road 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):

Byelaws.

For regulating the use of the bell whistle or other warning apparatus fitted to the engine:

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

For providing that engines and carriages shall be brought to a stand at the intersection of cross roads 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 the 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 the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

**40.** 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.

Penalty for breach of byelaws.

**41.** The provisions of the Tramways Act 1870 with respect to penalties imposed by byelaws and the recovery of such penalties shall apply to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

As to recovery of penalties.

**42.** 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 the tramway 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 or byelaw made by the Board of Trade under the authority of this Act but the local authority may if they think

Amendment of the Tramways Act 1870 as to byelaws by local authority.

A.D. 1885. — fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

Orders,  
byelaws.

**43.** All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by the secretary or an assistant secretary of the board.

Carrying of  
mails by  
Company.

**44.** (1.) The Company if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:—

(a.) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Company in or upon any carriage that is to say—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater:

(b.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with:

(c.) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Company in or upon the carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger:

(d.) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway



shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway :

A.D. 1885.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied to this section :

(3.) For the purposes of this section the expression " mails " has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882 :

36 & 37 Vict.  
c. 48.  
45 & 46 Vict.  
c. 74.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

**45.** (1.) The Company shall not under the powers by this Act granted purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until :

Restriction  
as to houses  
of labouring  
classes.

(a.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(b.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme :



A.D. 1885.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme :

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit :

(4.) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice :

(5.) If the Company acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty :

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act :

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the



labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as they may see fit :

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section :

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section, and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that board under the Public Health Act 1875 :

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector :

(11.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings

A.D. 1885. — a week and the families of any such persons who may be residing with them.

Interest not to be paid on calls paid up.

**46.** 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 calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

**47.** The Company shall not out of any money which they are by any Act authorised to raise 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.

Provision as to general Acts.

**48.** Nothing in this Act contained shall exempt the Company or the tramways from the provisions of every general Act relating to tramways or the better or more impartial audit of the accounts of tramway companies 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 fares and charges or of the rates for small parcels authorised to be taken by the Company.

Expenses of Act.

**49.** All the 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.



SCHEDULE referred to in the foregoing Act.

A.D. 1885.

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. Break-power of engines.

Every engine used on the tramways shall have its number shown on some conspicuous part thereof and shall be fitted— As to fittings of engines, &c.

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.

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

The Board of Trade shall be at liberty from time to time to inspect any engine used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine which in their opinion may not be safe for use on the tramways. Inspection of engines.

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. As to speed.

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

