



CHAPTER civ.

An Act for incorporating the Harrow Road and Paddington Tramways Company and for empowering them to construct tramways and for other purposes.

A.D. 1886.

[25th June 1886.]

WHEREAS the construction of the tramways herein-after described in the parishes of Willesden Chelsea Kensington and Paddington in the county of Middlesex would be of local and public advantage :

And whereas the persons herein-after named with others are willing at their own expense to construct and maintain such tramways if authorised by Parliament so to do and are desirous of being incorporated into a company for that purpose :

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised and books of reference to such plans have been deposited with the clerk of the peace for the county of Middlesex and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited for all purposes as the Harrow Road and Paddington Tramways Act 1886. Short title.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Act 1845 except the provisions thereof with respect to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by Incorporation of Acts.

A.D. 1886. — the promoters of the undertaking the Lands Clauses Consolidation Acts Amendment Act 1860 and section three (interpretation of terms) section nineteen (local authority may lease or take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 are except where expressly varied by this Act incorporated with and form part of this Act.

Interpreta-
tion.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "the Company" shall mean the Harrow Road and Paddington Tramways Company incorporated by this Act :

The expressions "the tramways" and "the undertaking" shall mean the tramways and works and the undertaking respectively by this Act authorised :

The word "contingencies" in the Companies Clauses Consolidation Act 1845 section one hundred and twenty-two shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act 1870 section forty-three at a sum less than the aggregate amount of the capital and debts of the Company :

And for the purposes of 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 simple contract debt and not a debt or demand created by statute.

Incorporation of Com-
pany.

4. John Kerr Frederic Manuelle John Metcalfe Benjamin Nowell Joseph Robson and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purposes of making and maintaining the tramways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Harrow Road and Paddington Tramways Company and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to
make tram-
ways.

5. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may make form lay down

work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are—

So much of Tramway No. 2 as is shown on the said plans as extending from a point in Cambridge Road at or near the Prince of Wales Inn at the distance of one furlong six chains and fifty links from the commencement of the said tramway as shown on the said plans and as will thence pass along Cambridge Gardens Cambridge Road South and Chippenham Road to the point of termination in the Harrow Road as shown on the said plans by a junction with Tramways Nos. 3 and 4 at or near the south end of Chippenham Road :

Tramway No. 2 as by this Act authorised will be six furlongs six chains and fifty links in length of which three furlongs four chains and fifty links will be double line and three furlongs and two chains single line :

Tramway Number 3 commencing in the Harrow Road at Harlesden Green at or near the Royal Oak Hotel and passing thence in an easterly direction along and terminating in the Harrow Road at or near the south end of Chippenham Road :

Tramway Number 3 will be two miles two furlongs six chains and thirty-five links in length of which one mile one furlong seven chains and eighty-five links will be double line and one mile eight chains and fifty links will be single line :

So much of Tramway No. 4 as extends from the commencement of the said tramway in the Harrow Road by a junction with Tramway No. 3 as herein-before described to a point three chains westward of the centre of the bridge carrying the said road over the Grand Junction Canal known as the Lock Bridge :

Tramway No. 4 as by this Act authorised will be one furlong and three chains in length of which one furlong and two chains will be double line and one chain will be single line.

6. The capital of the Company shall be sixty thousand pounds in six thousand shares of ten pounds each. Capital.

7. The Company shall not issue any share created under the authority of this Act 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 is paid in respect thereof. Shares not to be issued until one fifth paid.

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Calls.

8. 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 four fifths of the amount of a share shall be the utmost aggregate amount of calls made in any year upon any share.

Receipt clause
in case of
persons not
sui juris.

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

Power to
borrow.

10. The Company may from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole fifteen thousand pounds at the times and subject to the restrictions herein-after contained that is to say in respect of each sum of twenty thousand pounds part of the said capital of sixty thousand pounds the Company may borrow the sum of five thousand pounds but no part of any such sum of five thousand pounds shall be borrowed until the whole of the portion of twenty thousand pounds capital in respect of which the same is to be borrowed has been subscribed for issued and accepted and one half thereof has been 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 capital has been subscribed for 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 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 or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appoint-
ment of a
receiver.

11. 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 five hundred pounds in the whole.

Company not to
create debenture
stock.

12. The Company shall not create debenture stock.

Mortgage to
comprise
purchase

13. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the

Company in the event of a compulsory sale to the local authority under section forty-three of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage. A.D. 1886.
money paid on compulsory sale.

14. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramway or the tramway undertaking in the event of purchase by the local authority under the forty-third section of the Tramways Act 1870. Endorsement of mortgage with notice of power of purchase by the local authority.

15. All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable. Application of moneys.

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

17. The number of directors shall be five but the Company may from time to time increase or reduce the number of directors so that the number be not more than seven or less than three. Number of directors.

18. The qualification of a director shall be the possession in his own right of not less than twenty shares. Qualification of directors.

19. The quorum of a meeting of directors shall be three but if the number of directors be reduced to three the quorum shall be two. Quorum.

20. John Kerr Frederic Manuelle John Metcalfe Benjamin Nowell and Joseph Robson shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for increasing or reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.
Election of directors.

21. Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed with two Mode of formation of tramways.

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rails to be approved by the Board of Trade on a gauge of four feet eight and a half inches and shall be laid and maintained in such a manner that the uppermost surface of the rail shall be on a level with the surface of the street or road and no carriage truck or waggon constructed for use upon a railway shall be permitted to pass along the tramways.

Single line
only to be
laid in
Paddington
if required
by vestry.

22. Any part of the tramways in the parish of Paddington which is shown on the deposited plans as intended to be laid as a double line shall if the vestry of the said parish by notice in writing addressed to the secretary of the Company at their principal office so direct be laid as a single line and the roadway shall be paved with wood or stone as the said vestry shall in like manner direct. Provided always that if for a space of one month after being requested to do so by the Company the said vestry shall fail to give any directions in pursuance of this section it shall be lawful for the Company to lay down such parts of the tramways as aforesaid with such number of rails and in such manner as subject to the provisions of this Act they may think fit.

For protec-
tion of the
Willesden
Local Board.

23. The following provisions shall have effect for the protection of the Willesden Local Board that is to say:—

- (1.) The Company shall maintain and keep in good order condition and repair at their own expense and to the satisfaction of the said board so much of the road as extends two feet beyond and outside the rails of and on each side of the tramways instead of eighteen inches as prescribed by section twenty-eight of the Tramways Act 1870:
- (2.) Nothing in this Act contained shall entitle the Company to participate in or receive any portion whatever of the funds of the Lyons and Harvists Trust Funds payable to the said board under and by virtue of the provisions of the Willesden Local Board Act 1876 or any other Act or Acts of Parliament deed or instrument in writing and the right of the said board shall in no way be prejudiced but such funds shall continue to be paid as if this Act had not been passed:
- (3.) The length of siding near Stafford Road on Tramway No. 2 shall be reduced to such length as may be agreed upon between the respective engineers of the Company and the said board:
- (4.) The carriageway of the Harrow Road shall be widened by the said Board at the expense of the Company where it shall be found necessary so as to give a clear width of nine feet six inches on each side of the rails so far as affects the district of the board between Kenmont Gardens and the agreed boundary

for the repair of the said road between Willesden and Kensington and such widening shall be carried out by narrowing the footpath and laying a kerb and channel where none exists at present.

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24. The following provisions for the protection of the London and North-western Railway Company shall have full force and effect and be binding upon the Company and their assigns:—

For protec-
tion of the
London and
North-
western
Railway
Company.

(1.) The Company shall not in any way vary alter or interfere with the structure of any bridge carrying any road over any railway of the said railway company or of the approaches thereto and they shall so construct and maintain the tramways over such bridge and such approaches as not injuriously to affect the same:

(2.) In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing user or the removal of any of the tramways the said railway company may at the expense of the Company restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the said railway company against all sums costs and expenses which the said railway company may in consequence of the neglect of the Company pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the promoters are liable to maintain and repair under section twenty-eight of the Tramways Act 1870 and the Company shall repay to the said railway company the cost of such maintenance and repair:

(3.) Whenever and as often as the said railway company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways and it shall be necessary for effecting any of such purposes that the working and user of any of the tramways over such bridge or approaches shall be wholly or partly stopped or delayed or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Company seven clear days notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Company and under the superintendence of the engineer of the said railway company if such engineer shall give such

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superintendence but only for so long as may be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto and the Company shall also pay to the said railway company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations or repairs by reason of the existence of such tramways so passing or any of the works connected therewith the amount of such expenditure to be recoverable as aforesaid by the said railway company from the Company with full costs and charges by all and the same means as any simple contract debt of the like amount may be recovered :

- (4.) All works which may be necessary in constructing and maintaining any of the tramways over any bridge works or property of the said railway company shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the said railway company :
- (5.) Any dispute or difference arising between the said railway company and the Company under this section shall be settled by an engineer to be agreed upon by the said companies or failing agreement to be appointed by the Board of Trade on the application of either party in the manner provided by section thirty-three of the Tramways Act 1870 for the settlement of differences in the said section mentioned :
- (6.) Nothing contained in this Act shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the said railway company otherwise than is hereby expressly provided.

Traffic in roads not to be impeded.

25. During the construction of any works by this Act authorised in any road in any district the Company shall make such arrangements in relation to the execution of such works as may in the opinion of the road authority of such district be proper for preventing the traffic along such road from being unnecessarily impeded.

Company to adopt improvements if required by the Board of Trade.

26. The Board of Trade may from time to time upon the application of the local or road authority of any district in which any or any part of the tramways is situated require the Company to adopt and apply such improvements in the tramway including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply

with any order made by the Board of Trade for the purpose of carrying out such improvements. A.D. 1886.

27. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade. Inspection
by Board of
Trade.

28. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of any tramway of the Company is laid or authorised to be laid the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered. Tramways to
be kept level
with the sur-
face of road.

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

30. The rails of the tramways shall be such as the Board of Trade may approve. As to rails
of tramways.

31. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section twenty-eight of the Tramways Act 1870 they shall be for every such offence subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty may be recovered in manner provided by section fifty-six of the said Act: Penalty for
not main-
taining rails
and roads.

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In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary to the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect of such failure as is or are by this section imposed.

Paddington Vestry may execute repairs.

32. If the Company shall make default in commencing within forty-eight hours after notice from the vestry of the parish of Paddington or in duly proceeding to repair any road within the said parish which in accordance with the provisions of the last preceding section they ought to keep in repair the vestry of the said parish may execute the work themselves and may recover the cost thereof from the Company in any court of competent jurisdiction and the provisions of this section shall be in addition to and not in substitution for the provisions of the last preceding section of this Act.

Sanitary authorities to have access to sewers.

33. Every local or sewer authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the local or sewer authority as if the same were a pipe for the supply of gas or water.

Power to make additional crossings &c.

34. The Company may subject to the provisions of this Act with the consent of the local and road authority from time to time make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage houses or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either

side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

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35. Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section twenty-eight of the Tramways Act 1870 or by this Act required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Application
of road
materials ex-
cavated in
construction
of works.

36. The following provisions shall apply in the case of so much of the tramways by this Act authorised as will be within the metropolis as defined by the Metropolis Management Act 1855 :—

Special pro-
vision as
to penalties
for not
maintaining
tramways in
good condi-
tion.

- (1.) No part of any tramway shall be constructed so that a less distance than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the tramway :
- (2.) In addition to any other provisions of this Act the Company shall maintain and keep the tramways by this Act authorised and all other tramways belonging to or leased by the Company in good condition and repair to the satisfaction of the road authority of the district within which such tramways respectively are or may be situate and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds

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for every day on which such default continues and such penalty may be recovered in manner provided by the said section 56 of the Tramways Act 1870 but by the said road authority only :

- (3.) If and whenever in the opinion of the Metropolitan Board of Works it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways of the Company constructed under this or any other Act or the roadway in which the same shall be made the said Board may without any consent or concurrence on the part of the Company enter upon and interfere with such tramways or roadway after having given except in case of emergency at least one month's previous notice in writing to the Company of their intention so to do and the Company shall during the execution of any such works either suspend the traffic upon such tramway or make provision at their own expense for carrying on the same in a manner satisfactory to the engineer of the said Board so as not to interfere with any such work and shall have no claim for compensation against the said Board.

Saving rights
of Metro-
politan
Board of
Works to
stop up
streets.

37. Nothing in this Act contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges conferred upon the Metropolitan Board of Works by the Metropolis Management Act 1855 or any other Act relating to that Board as to stopping for public traffic any road or street under the jurisdiction of that Board or for the purpose of constructing repairing and maintaining the sewers along or under any such road or street nor shall anything in this Act authorise any interference with any sewer drain watercourse or work under the jurisdiction or control of the Metropolitan Board of Works or of any vestry constituted under the Metropolis Management Act 1855 without the consent in writing of such Board and vestry.

Power to
purchase
lands &c. by

38. The Company may from time to time purchase or take on lease or otherwise acquire but only by agreement any lands which they may require for any of the purposes of their undertaking not exceeding in the whole six acres and the Company may erect on such lands such suitable buildings as they think necessary for the purposes of their undertaking Provided always that the Company shall not under the powers of this Act purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or in any urban sanitary district or in any parish or part of a parish outside the metropolis 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

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December last were occupied either wholly or in part by persons belonging to the labouring class as tenants or lodgers without the consent in the case of the metropolis of Her Majesty's Secretary of State for the Home Department or in any other case of the Local Government Board:

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 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 week and the families of any such persons who may be residing with them.

39. 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 two thousand nine hundred pounds Consolidated Three Pounds per Centum Annuities has been transferred into the name of 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 And whereas the sum of one thousand six hundred and ninety pounds Consolidated Three Pounds per Centum Annuities part of the said sum of two thousand nine hundred pounds like annuities is equal in value to five per centum upon the amount of the estimate in respect of the tramways by this Act authorised and the sum of one thousand two hundred and ten pounds the remainder of the said sum of two thousand nine hundred pounds is equal in value to five per centum upon the amount of the estimate in respect of certain other tramways or parts of tramways originally proposed to be authorised by this Act but which were struck out of the Bill for this Act during its progress through Parliament Be it enacted that notwithstanding anything contained in the said Act the said sum of one thousand six hundred and ninety pounds (herein-after referred to as the 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

Deposit
money not to
be repaid
until tram-
ways opened.

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aforsaid 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 hereby authorised the Chancery Division of the High Court of Justice in England shall on the application of the depositors 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.

Application
of deposit.

40. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete and open the same 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 and also in compensating all road authorities for the expense incurred by them in taking up any tramway or material connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforsaid 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 aforsaid 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 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 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.

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41. On the application of the depositors at any time after the passing of this Act the Chancery Division may and shall order that the said sum of one thousand two hundred and ten pounds Consolidated Three Pounds per Centum Annuities the remainder of the said sum of two thousand nine hundred pounds like annuities so deposited as aforesaid over and above the said deposit fund and the interest and dividends thereon shall be paid or transferred to the depositors or as they shall direct.

Providing
for release of
part of
deposit
money.

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

Period for
completion
of works.

43. The Company may demand and take for every passenger travelling upon the tramways or any part or parts thereof including tolls for the use of the tramway and of carriages and for motive power and for every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile and in computing the said tolls and charges the fraction of a mile shall be deemed a mile Provided always that in order to facilitate the collection of the tolls and charges authorised by this Act and to prevent disputes with respect to the distance travelled by each passenger the Company may from time to time concur with the local and road authorities in causing a series of stations to be marked and set out on each route at the distance as nearly as conveniently may be of one mile apart and a list of such stations shall be exposed to public inspection in each car passing the same and the Company may demand and take for every passenger travelling on the tramways or any part or parts thereof respectively any tolls or charges not exceeding one penny for the distance or any fractional part of the distance between any two consecutive stations or between the nearest station and the commencement or termination of either route Provided always that if the commencement or termination of either route shall be less than four hundred yards distant from the nearest station no charge shall be made for the portion of the route between such nearest station and such commencement and termination respectively for any passenger travelling beyond such distance and in the event of any difference between the Company and the local and

Tolls for
passengers.

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Passengers
luggage.

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

Company
not to carry
goods.

45. The Company shall not carry upon the tramways any goods animals or other thing other than passengers and passengers luggage not exceeding the weight in this Act in that behalf mentioned.

Cheap fares
for labouring
classes.

46. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run carriages on each route each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours between half-past five and seven in the morning and between six and half-past seven in the evening respectively as the Board of Trade may appoint for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one halfpenny) and any passenger by any such carriage shall on demand be supplied by the Company with a return ticket at the same rate entitling such passenger to return in any carriage during the same day Provided that in case of any complaint made to the Board of Trade of the hours appointed for the running of such carriages the said Board shall have power to alter the same from time to time Provided that if in any continuous period of six months it shall be found that less than twenty passengers shall have been conveyed by each of such carriages the Company on proof thereof to the satisfaction of the Board of Trade may discontinue the running of such carriages but the Board of Trade may at any time order the resumption thereof by the Company if it shall seem desirable to the Board of Trade so to do.

Byelaws as
to tolls.

47. The Company may subject to the provisions of section forty-six of the Tramways Act 1870 from time to time make byelaws as to the persons times and places to whom and at and in which the tolls and charges authorised by this Act shall be paid.

Periodical
revision of
tolls.

48. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or any portion of the tramways

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are or is wholly or partially situate or by twenty inhabitant rate-payers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and henceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

49. 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:—

Carrying of
mails by
Company.

(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:—

- (1.) 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
- (2.) 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
- (3.) 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:

