



CHAPTER clxxix.

An Act to empower the Oxford and Aylesbury Tramroad Company to deviate part of the tramroad authorised by the Oxford and Aylesbury Tramroad Act 1888 as amended by the Oxford and Aylesbury Tramroad Act 1892 to revive the powers and extend the time for the purchase of lands for and for the completion of the remainder of the said tramroad authorised by the said Acts and for other purposes. [17th August 1894.]

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WHEREAS by the Oxford Aylesbury and Metropolitan Junction Railway Act 1883 (hereinafter called "the Act of 1883") a company (hereinafter called "the Company") was incorporated with power to make a railway commencing in the parish of Saint Clement Oxford and terminating in the parish of Quainton by a junction with the Aylesbury and Buckingham Railway:

And whereas by the Oxford and Aylesbury Tramroad Act 1888 (hereinafter called "the Act of 1888") the Company were authorised to abandon the construction of the said railway and to construct in lieu thereof a tramroad between Oxford and the Wotton Tramway in the parish of Brill and to change the name of the Company:

And whereas by the Act of 1888 the periods for the compulsory purchase of lands for and for the completion of the tramroad thereby authorised were respectively limited to three years and four years from the passing of that Act which received the Royal Assent on the seventh day of August one thousand eight hundred and eighty-eight:

And whereas by the Oxford and Aylesbury Tramroad Act 1892 (hereinafter called "the Act of 1892") the periods respectively limited as aforesaid for the compulsory purchase of lands for and for the completion of the tramroad authorised by the Act of 1888 were revived and extended for two years respectively and the powers for the compulsory purchase of the said lands expired on the

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A.D. 1894. seventh day of August one thousand eight hundred and ninety-three and the powers for the completion of the said tramroad will expire on the seventh day of August one thousand eight hundred and ninety-four :

And whereas the capital of the Company is eighty-five thousand pounds divided into eight thousand five hundred shares of ten pounds each and the Company are authorised to borrow on mortgage or by debenture stock twenty-one thousand two hundred and fifty pounds but they have raised only a portion of their capital and have not borrowed any money on mortgage or exercised their powers for the compulsory purchase of lands or for the execution of their authorised tramroad :

And whereas it is expedient that the Company should be authorised to construct the deviation tramroad by this Act authorised and to abandon the construction of so much of the Company's tramroad authorised by the Act of 1888 as will be rendered unnecessary by the construction of the said deviation tramroad :

And whereas it is expedient that the powers of the Company for the compulsory purchase of lands be revived so far as regards lands required for the portion of the Company's authorised tramroad not to be abandoned under this Act (hereinafter referred to as "the undiverted line") and the period for the exercise of those powers extended and that the period for the completion of the undiverted line be also extended :

And whereas the sum of two thousand seven hundred and forty-two pounds Two-and-three-quarters per cent. Consolidated Stock (in the Act of 1892 and hereinafter referred to as "the deposit fund") has been and still remains deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the tramroad authorised by the Act of 1888 :

And whereas the deviation tramroad by this Act authorised and the works connected therewith are of a similar character to and the estimate of expense of the deviation tramroad will not exceed that of the abandoned line :

And whereas it is expedient that the deviation tramroad by this Act authorised should for the purposes of section 9 of the Act of 1892 be deemed to be part of the tramroad referred to in the said section and that the deposit fund should become applicable to and remain deposited as security for the completion of the deviation tramroad by this Act authorised and of the undiverted portion of the Company's line :

And whereas it is expedient that the Company be authorised to increase their capital and borrowing powers :

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And whereas it is expedient to vary or reduce the quorum of meetings of the Company's shareholders :

And whereas plans and sections showing the line and levels of the deviation tramroad 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 clerks of the peace for the counties of Oxford and Bucks respectively and are hereinafter 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:—

1. This Act may be cited as the Oxford and Aylesbury Tramroad Act 1894. Short title.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):— Incorporation of Acts.

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 the 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 ;

and Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to cancellation and surrender of shares additional capital and debenture stock) as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845

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with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the carrying of passengers and goods upon the railway and the tolls to be taken thereupon sections 49 to 54 (relating to offences) and section 56 (recovery of tolls penalties &c.) of the Tramways Act 1870 and Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act and in the incorporated provisions of the Railways Clauses Act 1863 and the Railways Clauses Consolidation Act 1845 the term "railway" shall include the tramroad and works of the Company.

Interpreta-
tion.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the tramroad" means the tramroad authorised by the Act of 1888 as amended by the Act of 1892 and by this Act and the expression "the deviation tramroad" means the deviation tramroad by this Act authorised 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.

Power to
make
deviation
tramroad.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the deviation tramroad hereinafter described with all proper bridges viaducts rails sidings tunnels junctions stations approaches roads buildings yards and other 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 that purpose. The deviation tramroad hereinbefore referred to and authorised by this Act will be situate in the counties of Oxford and Bucks and is—

A deviation tramroad 5 miles 57 chains and 60 links or thereabouts in length commencing in the parish of Stanton Saint John in the county of Oxford by a junction with the tramroad authorised by the Act of 1888 and terminating in the parish

of Brill in the county of Bucks by a junction with the Wotton Tramway at a point thirty-one chains from the termination thereof :

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The deviation tramroad will be a single line except at the passing places when it will be a double line.

5. Notwithstanding anything shown upon the deposited plans or referred to in the deposited books of reference nothing in this Act contained shall authorise the Company to take or acquire for the purposes of the deviation tramroad any greater quantity of common land than one and a half acres.

Company not to acquire more than one and a half acres of common land.

6. Nothing in this Act shall alter prejudice or affect section 9 of the Act of 1888 (For the protection of the College of Saint Mary Magdalen in the University of Oxford) and the said section shall remain in force as if this Act had not been passed.

For the protection of the College of St. Mary Magdalen in the University of Oxford.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

8. With respect to the crossing on the level of the public roads respectively numbered on the deposited plans and in the deposited books of reference as follows namely :—

As to crossing roads on the level.

No. on deposited Plan.	Parish.	County.
77	Stanton Saint John - - -	Oxford.
3	Boarstall - - -	Bucks.

the provisions of section 13 of the Act of 1888 shall mutatis mutandis apply to the construction of the deviation tramroad by this Act authorised. Instead of constructing the deviation tramroad on the level across the road numbered on the said plans and books of reference 1 in the parish of Brill in the manner shown on the deposited plans and sections the Company shall divert the said road to the south side of the tramroad to a point two miles five furlongs and three chains measured along the centre line from the commencement of the said deviation tramroad thence following the line of footway leading from Oakley to Brill shown on the deposited plans into the road as aforesaid numbered 1 in the parish of Brill and carry the tramroad over the said diverted road by a bridge which shall have a clear span of twenty feet and a clear headway of fifteen feet above the surface of the roadway.

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Span of
bridges.

9. The Company may make the arch of the bridge for carrying the deviation tramroad over the diverted roads next hereinafter mentioned of any span not less than the span hereinafter mentioned in connexion therewith (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Span.
10 } 38 }	Brill	Public highways	20 ft.

Width of
certain
roadway.

10. The Company may make the roadway over the bridge by which the following road will be carried over the deviation tramroad of such width between the fences thereof as the Company think fit not being less than the width hereinafter mentioned in connexion therewith (that is to say) :—

No. on Plan.	Parish.	Description of Road.	Width of Roadway.
21	Brill	Public highway	15 ft.

Power to
divert roads
as shown on
deposited
plans.

11. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

No. of Road on Plan.	Parish.
70	Stanton Saint John
10	Brill
38	Brill

And when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may

subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

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12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

13. The Company shall abandon and relinquish the construction of so much of the tramroad authorised by the Act of 1888 as lies between the point of commencement of the deviation tramroad authorised by this Act and the termination thereof in the parish of Brill.

Company to abandon portion of authorised line.

14. The abandonment by the Company under the authority of this Act of any portion of the authorised tramroad or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of tramroad and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or in the Acts of 1888 or 1892.

Compensation for damage to land by entry &c. for purposes of tramroad abandoned.

15. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the tramroad or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and

Compensation to be made in respect of portions of tramroad abandoned.

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occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Reviving powers and extending period limited for purchase of lands for undiverted works.

16. The powers granted by the Act of 1888 as amended by the Act of 1892 for the compulsory taking and purchase of lands for the purposes of the undiverted line are hereby revived and extended and may be exercised by the Company at any time within but shall cease after the expiration of two years after the passing of this Act.

Extending period limited for completion of undiverted works.

17. The period limited by the Act of 1888 as amended by the Act of 1892 for the completion of the undiverted line is hereby extended for a period of three years from the passing of this Act and if the undiverted line be not completed within such extended period then on the expiration of such period the powers granted by the Act of 1888 as amended by the Act of 1892 and this Act for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Provisions as to deposit fund referred to in section 9 of Act of 1892.

18. For the purposes of section 9 of the Act of 1892 the deviation tramroad authorised by this Act shall be deemed to be part of the tramroad referred to in the said section 9 and the deposit fund referred to in the said section shall for all purposes be deemed to be the deposit fund in respect of the deviation tramroad in lieu of the portion of the authorised tramroad by this Act authorised to be abandoned. Provided always that for the purposes of the said section 9 the period limited for the completion of the deviation tramroad shall be deemed to be the period of four years from the passing of this Act.

Period for completion of works.

19. If the deviation tramroad is not completed within four 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 deviation tramroad or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Tolls on tramroad.

20. For the purposes of tolls rates charges and duties and in respect of the application of the Railway and Canal Traffic Act 1888 and for all other purposes whatsoever the deviation tramroad shall be deemed to be part of the Company's authorised tramroad.

21. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 13 (Metropolitan Railway &c.) Order Confirmation Act 1892 shall be applicable and apply to the Company as if it were one of the railway companies named in the appendix to the schedule to the Order confirmed by the said Act.

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Rates and charges.

22. It shall not be lawful for the Company to take or demand on Sunday or any bank or other public holiday any higher tolls or charges for passengers than those levied by them on ordinary week-days.

As to fares on Sundays and holidays.

23. The following provisions shall apply to the use of electric power upon any of the authorised tramroads under this Act or any former Act of the Company unless such power is entirely contained in and carried along with the carriages:—

Provisions as to use of electric power.

(1.) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2.) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :

(3.) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as "the prescribed regulations") 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 or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4.) If the Company use electric power contrary to the provisions of this Act or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order

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made by the Board of Trade under the authority of this Act they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to use electric power and thereupon the Company shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

- (5.) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus. Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of three years from the passing of this Act nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from

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other electric currents. If any difference arises between the Company and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

- (6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes:
- (7.) The expression "the Company" in this section shall include their lessees and the licensees and any person owning or using carriages over any of the tramroads of the Company.

24. In the event of any tramroads of the Company being worked by electricity the following provisions shall have effect:—

For the
protection
of the
Postmaster-
General.

- (1.) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:
- (2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3.) (A.) Before any electric line is laid down or any act or work for working the tramroads by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of

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the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(B.) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

(4.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(5.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which

the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

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- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :
- (10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :
- (11.) Section 5 of the Act of 1892 is hereby repealed.

25.—(1.) The undiverted line shall for the purposes of the Conveyance of Mails Act 1893 be deemed to be a tramroad authorised by Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three.

Conveyance of mails on tramroad.

(2.) Section 41 of the Act of 1888 is hereby repealed.

26. From and after the passing of this Act section 31 of the Act of 1883 shall be construed as if the number of shareholders therein mentioned were five instead of ten and the aggregate amount of capital therein mentioned were one-fifth of the capital for the time being issued.

Quorum of meeting of Company.

27. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 and to the provisions of sections 18 to 25 of the Act of 1883 which are hereby incorporated with this Act raise any additional capital not exceeding in the whole fifteen thousand pounds by the issue of ordinary shares or stock 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.

Power to raise additional capital.

28. The capital in shares or stock so created shall form part of the capital of the Company.

Shares or stock to form part of capital of Company.

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Power to
borrow.

29. The Company may in respect of the additional capital of fifteen thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole three thousand seven hundred and fifty pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital 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 shares for the whole of such capital have been issued and accepted and that one-half of such capital 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 said additional capital as is to be raised by means of stock is fully paid up and 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 and accepted 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 so far as the said additional capital is raised by shares 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.

Repealing provisions as to
appointment of
a receiver.

30. The provisions of the Act of 1892 as to the appointment of a receiver are hereby repealed but without prejudice to any appointment made or proceedings taken before the passing of this Act.

For appointment of a
receiver.

31. 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.

Debenture
stock.

32. The Company may create and issue debenture stock subject to the provisions of section 13 of the Act of 1892. Notice of the

effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock granted after the passing of this Act. A.D. 1894.

33. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act and to the general purposes of the Company being in all cases purposes to which capital is properly applicable. Application of moneys.

34.—(1.) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act 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 next before the passing of this Act or of the respective former Acts by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until— Restrictions on displacing persons of labouring class.

(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 respective fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after enquiry 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.

(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 :

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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 provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme 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 High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act 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 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

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section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment: A.D. 1894.

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 enquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such enquiry and the inspectors so appointed or employed shall for the purposes of any such enquiry have all such powers as the inspectors of the Local Government Board have for the purposes of enquiries 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 enquiries 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.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the said Local Government

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Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

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

Power to
apply funds.

35. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which by any of their former Acts they are authorised to raise by shares debenture stock or borrowing and which are not by the said Acts made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Interest on
calls not to
be paid out
of capital.

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

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

37. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramroad or to execute any other work or undertaking.

Provision
as to general
Tramroad
Acts.

38. Nothing in this Act contained shall exempt the Company or the tramroad or the deviation tramroad from the provisions of any general Act relating to tramroads or the better and more impartial audit of the accounts of tramroad 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

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Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company. A.D. 1894.

39. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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