ANNO QUADRAGESIMO QUINTO ET QUADRAGESIMO SIXTO

VICTORIÆ REGINÆ.

A.D. 1882.

Preamble.

An Act to authorise the Prospect, Nailsworth, and Enfield Tramway Company, Limited, to construct, maintain, and work Tramways for horse power in and between certain parts of the City of Adelaide and the Townships of Prospect, Nailsworth, Enfield, and other places adjacent thereto, and in the neighborhood thereof, and for other purposes.

[Assented to, November 17th, 1882.]

WHEREAS the construction, maintenance, and working of tramways for traction by horse power in and between certain parts of the City of Adelaide and the Townships of Prospect, Nailsworth, Enfield, and other places adjacent thereto, and in the neighborhood thereof, in such a manner as not to impede or injure ordinary traffic, would be of great local and public advantage: And whereas a Joint-Stock Company has been lately registered and incorporated under "The Companies Act, 1864," by the name of the "Prospect, Nailsworth, and Enfield Tramway Company, Limited," with the objects, amongst others, of constructing, maintaining, and working such tramways as are hereinbefore referred to, and of obtaining an Act of the Parliament of the Province of South Australia for empowering and better enabling the Company to carry out its objects: And whereas the said Company is willing at its own expense to construct, maintain, and work the said tramways in manner hereinbefore mentioned, but the authority of Parliament is requisite to enable the Company so to do, and it is therefore desirable to confer on the Company all rights
rights, powers, privileges, and immunities necessary or convenient for the construction, maintenance, and working of such tramways—

Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as the "Prospect, Nailsworth, and Enfield Tramway Act, 1882."

2. "The Lands Clauses Consolidation Act" shall be incorporated with and form part of this Act.

3. In the construction of this Act, unless there shall be something in the subject matter or context repugnant to such meanings—

The meanings which have been assigned by "The Lands Clauses Consolidation Act" to certain words and expressions shall be attributed to such words and expressions wherever they occur herein:

The expression "the Company" shall mean the "Prospect, Nailsworth, and Enfield Tramway Company, Limited":

The expression "the tramways" shall mean the tramways by this Act authorised, or any part thereof:

The expression "the deposited plan" shall mean the plan of the tramways and the book of reference thereto, which were deposited in the office of the Surveyor-General on the seventeenth day of April, one thousand eight hundred and eighty-two:

The expression "street" shall mean any public street, road, footpath, terrace, or place, along or across which the tramways are authorised to be laid:

The expression "the street authority" shall mean the Corporation, Board, District Council, or persons having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if such expression shall not be used in respect of any particular street, it shall mean any Corporation, Board, District Council, or person having the control or management of any street.

4. Subject to the provisions of this Act, the Company may make, form, lay down, construct, maintain, and work on the lines shown in the deposited plan, the tramways hereinafter described, or such portion thereof as the Company may think expedient, with all proper rails, plates, works, sidings, junctions, stations, approaches, and conveniences connected therewith.

5. The
5. The tramways hereinbefore referred to, and authorised by this Act, are as follows—

Tramway No. 1.—A single line, two miles one furlong six chains and forty-two links in length, commencing opposite a point ninety-nine feet north of the junction of the north side of Childers-street and Barton-terrace, opposite town acre 944 on Barton-terrace aforesaid, in the City of Adelaide; and thence passing along part of Barton-terrace aforesaid to the road through the North Park Lands leading to the Main North Road; thence along the said road through the North Park Lands to its junction with the Government Road running along the northern boundary of the said park lands; thence across the said Government Road; and thence along the Main North Road to the junction of the Main North Road and a road running along the northern boundary of sections 944 and 353 in the Hundred of Yatala.

Tramway No. 2.—A single line, one mile six furlongs two chains and forty-one links in length, commencing at a point on the line of tramway No. 1, distant four chains twenty-four links north of the point of commencement of tramway No. 1; then crossing Barton-terrace and passing along the Prospect Road, which runs through the North Park Lands, to the Government Road running along the northern boundary of the said park lands; thence across the said Government Road; and thence along Eliza-street to its junction with Alpha Road; thence along Alpha Road to the junction of Alpha Road with the Main North Road; and thence crossing the Main North Road to a point on the line of tramway No. 1, distant fifty links north of the north side of Alpha Road.

Tramway No. 3.—A single line, one chain fifty-seven links in length, commencing at a point on the line of tramway No. 2, distant twenty-five feet west of the junction of the west side of the Main North Road with Alpha Road; and thence running on a curve to a point on the line of tramway No. 1, distant forty-one feet six inches south of the south side of Alpha Road.

Tramway No. 4.—A single line, one chain nineteen links in length, commencing at a point on the line of tramway No. 1, opposite a point two feet north of the north side of Johns Road; thence running on a curve, and crossing the footpath on the west side of the Main North Road to the land of the Company, being allotments 100 and 101 in the Township of Prospect Hill, at a point sixty-three feet north of the north side of Johns Road.

6. The centre line of tramways Nos. 1 and 2, except where the line of such tramways shall be on a curve, and except in the case of the turn-outs shown on the said deposited plan, shall be as follows, that is to say—

On
On the line of tramway No. 1.—In the portion of Barton-terrace marked on the deposited plan with the letters a and b such centre line shall be the centre line of the terrace or street or parallel therewith at a distance of not more than one foot therefrom. In the road through the North Park Lands leading to the Main North Road such centre line shall run parallel with and on the western side of the centre line of the road or street at a distance of ten feet four inches therefrom, as marked on the deposited plan with the letters b and c. In the portion of the Main North Road marked on the deposited plan with the letters d and e such centre line shall run parallel with and on the western side of the centre line of the road or street at a distance of ten feet four inches therefrom. In the portion of the Main North Road marked on the deposited plan with the letters e and f such centre line shall run parallel with and on the eastern side of the centre line of the road or street at a distance of not more than eleven feet and not less than nine feet therefrom.

On the line of tramway No. 2.—In Barton-terrace such centre line shall be the centre line of the terrace or street or parallel therewith at a distance of not more than one foot therefrom, as marked on the deposited plan with the letter b. In the Prospect Road, which runs through the North Park Lands, such centre line shall be the centre line of the road or street, or shall run at a distance of not less than ten feet therefrom, as marked on the deposited plan with the letters b and g. In the portion of Eliza-street marked on the deposited plan with the letters h and j, such centre line shall be the centre line of the street or road or parallel therewith at a distance of not more than one foot therefrom. In the portion of Eliza-street marked on the deposited plan with the letters j and k such centre line shall run parallel with and on the eastern side of the centre line of the street or road at a distance of not more than eight feet six inches, and not less than three feet therefrom. In the portion of Eliza-street marked on the deposited plan with the letters k and l such centre line shall be the centre line of the street or road or parallel with and on the western side of the centre line of the street or road at a distance of not more than five feet six inches therefrom. In the portion of Eliza-street marked on the deposited plan with the letters l and m such centre line shall run parallel with and on the eastern side of the centre line of the street or road at a distance of not more than eight feet six inches and not less than three feet therefrom. In the portion of Eliza-street marked on the deposited plan with the letters m and g such centre line shall be the centre line of the street or road or parallel therewith at a distance of not more than one foot therefrom. In Alpha Road such centre line shall be the centre line of the road or
street or parallel therewith at a distance of not more than one foot therefrom, as marked on the deposited plan with the letters G and n.

7. It shall not be lawful for the Company to alter the levels of any street without the consent of the street authority.

8. Every tramway line shall be constructed and maintained with two rails, to be laid at a distance of four feet eight and a half inches from each other, and shall be constructed and maintained in such a manner that the uppermost surface of every rail shall be on a level with the surface of the street, and the rails used in the construction of every tramway shall be of iron or steel, and of the weight of not less than twenty pounds to the yard. And such rails shall be grooved, the groove in no case exceeding one and a quarter inches in width, and all such rails shall be guarded on the outside with wood or stone.

9. Every tramway shall be constructed and maintained in such a manner as not to cause any impediment or injury to the use by the public for the purpose of traffic of any street wherein the same shall be laid, and the public shall at all times be entitled to the free and uninterrupted use of every part of such street, save when any conveyance of the Company shall be passing over or be about to pass over any part thereof, or be standing thereon, and then the public shall not be entitled to the use of the part of such street over which such conveyance shall be passing or about to pass or upon which such conveyance shall be standing: Provided that no such conveyance shall stand at any point in any street other than a terminus of the tramways, except for the purpose of taking up or setting down passengers, or for the purpose of passing at any turn-out or siding.

10. The cars of the Company shall be drawn by horses, and each car shall be furnished with a break, which can be worked at each end of such car, and no car shall extend beyond the outer edge of its wheels more than eleven inches at its side. No tramway car shall travel along any street within the City of Adelaide or any of the said townships at a greater speed than shall be allowed by law, or by the by-laws of the street authority of the streets or roads over which such tramway car shall travel.

11. The Company may use on the tramways cars with flange wheels, or wheels specially or particularly adapted to run on a grooved rail; and subject to the provisions of this Act the Company shall have the exclusive use of the tramways.

12. Nothing in this Act contained shall be construed to give the Company any right to the soil of any street in which they shall construct any tramway other than a right of user thereof for the purposes of this Act.

13. Subject
Power to break up street.

Regulations to be observed on breaking up street.

Penalty on persons obstructing formation of tramways.

Restriction on length of streets to be broken at same time.

Company to restore streets broken up.

13. Subject to the provisions of this Act, the Company may from time to time open and break up any street for the purpose of making, forming, laying down, constructing, maintaining, or renewing the tramways.

14. Whenever the Company proceed to open or break up any street—

i. They shall give to the street authority thereof notice of their intention, specifying the time at which they will commence operations, and the portion of street proposed to be opened or broken up, such notice to be given seven days at least before the commencement of operations:

ii. They shall not open or break up any street except under the superintendence and to the reasonable satisfaction of the street authority thereof, unless such authority refuse or neglect to give such superintendence at the time specified in the Company's notice, or discontinue the same during the work:

iii. They shall pay to the street authority all reasonable costs incurred on account of such superintendence.

15. If any person shall wilfully obstruct any person acting under the authority of the Company in the lawful exercise of his powers in setting out or making, forming, laying down, repairing, or renewing any tramway, or shall deface or destroy any mark made for the purposes of setting out the line of any tramway, or shall wilfully damage or destroy any property of the Company, he shall, for every such offence, forfeit to the Company a sum not exceeding Five Pounds.

16. The Company shall not, without the consent of the street authority thereof, open or break up at any one time and place a greater length than one hundred yards of any street, and they shall leave an interval of at least three hundred yards between any two places at which they shall open or break up any street at the same time.

17. As soon as the Company shall have opened or broken up any portion of any street—

i. They shall, with all convenient speed, and in all cases within three weeks at the most from the time of opening or breaking up the same (unless the street authority thereof shall enlarge such time), complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, and renewal of the tramways) fill in the ground and make good the surface, and generally restore the portion of the street so opened or broken up to as good a condition as that in which it was before it was opened or broken up, and to the reasonable satisfaction of the street authority.
authority thereof, and clear away all surplus metal, material, or rubbish occasioned thereby, and remove the same to such spot in the municipality wherein any such street shall be situated as the street authority of such street shall direct:

11. They shall in the meantime cause the place where the street is broken up to be properly lighted at night, for the protection of man and beast.

18. If the Company shall in any respect fail to comply with the provisions of the preceding section, they shall for every such offence (without prejudice to any other remedy against them) be liable to a penalty not exceeding Twenty Pounds, and to a further penalty not exceeding Five Pounds, for each day during which any such failure shall continue after the first day on which such penalty is incurred; and all such penalties shall go and belong to the street authority of the street in question.

19. Nothing in this Act contained shall take away any power for the time being vested in any street authority to open or break up any street in which any tramway shall be laid for any necessary purpose of laying down, repairing, altering, removing, examining, or inspecting any sewer, gully, gutter, drain, watercourse, defence, or work, or altering the levels of any street: Provided that in the event of the levels of any street being altered, the Company shall alter the levels of the tramways to correspond with such alteration: Provided also, that in the exercise of such power the street authority and Company shall be subject to the following provisions—

ⅰ. The street authority shall cause as little detriment or inconvenience to the Company as circumstances will admit:

ⅱ. Before commencing any work whereby the traffic on the tramways may be interrupted, or whereby the safety of any persons using the tramways may be endangered, the street authority shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Company notice of their intention to commence such work, specifying the time at which they will commence, and which shall not be earlier than forty-eight hours after the time of giving such notice:

ⅲ. If the street authority for the purpose of enabling them to execute the work shall so require, by any notice given as aforesaid, the Company shall either stop their traffic on that portion of the tramways where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work, and the street authority shall thereupon complete the work with all reasonable expedition:

ⅳ. If it shall become necessary to remove the tramways from any part
part of any street to enable any such work to be effected, it
shall be lawful for the Company to lay down the tramways
so removed in some adjacent and convenient position, and
after such work shall have been effected to replace the
tramways in their original position, and the cost of such
laying down and replacing shall be borne by the street
authority of the street where the same is effected.

20. Nothing in this Act contained shall take away any power for
the time being vested in any persons to open or break up any street
on which any tramway shall be laid for any necessary purpose of
laying down, repairing, altering, removing, examining, or inspecting
any pipes for the supply of gas or water, or any tubes, wires, or
apparatus for telegraphic or other purposes; but in the exercise of
such powers such persons shall be subject to the following restric-
tions—

1. They shall cause as little damage or inconvenience to the
   Company as circumstances will admit:

11. Before commencing any work whereby the traffic on the
tramway may be interrupted, or whereby the safety of any
persons using the tramway may be endangered, they shall'
(except in cases of urgency, in which cases no notice shall
be necessary) give to the Company notice of their intention
to commence such work, specifying the time at which they
will commence, and which shall not be earlier than forty-
eight hours after the time of giving such notice:

111. They shall not execute such work, so far as it immediately
affects the tramway, except under the superintendence
and to the reasonable satisfaction of the Company, unless
the Company refuse or neglect to give such superintendence
at the time specified in the notice for the commencement
of the work, or discontinue the same during the work:

IV. If it shall become necessary to remove the tramway from any
part of any street, to enable any such work to be effected,
it shall be lawful for the Company to lay down the tram-
way so removed in some adjacent and convenient position,
and after such work shall have been effected, to replace
the tramway in its original position, and the cost of such
laying down and replacing shall be borne by such persons.

21. For the purpose of making, forming, laying down, maintain-
ing, repairing, or renewing any of their tramways, the Company
may from time to time, where and as far as it is necessary, alter the
position of any mains or pipes for the supply of gas or water, or any
tubes, wires, or apparatus for telegraphic or other purposes, subject
to the following restrictions, that is to say—

1. Before laying down or altering a tramway in a road in which
any mains or pipes, tubes, wires, or apparatus may be laid
(other than private service-pipes), the Company shall, whether
whether they contemplate altering the position of any such mains or pipes, tubes, wires, or apparatus or not, give seven days' notice to the person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom they are controlled, of their intention to lay down or alter the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such person that the construction of the tramway as proposed would endanger any of such mains or pipes, tubes, wires, or apparatus, or interfere with or impede the supply of water or gas, or the telegraphic or other communication, such person may give notice to the Company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus, in such manner as may be considered necessary. And all alterations to be made under this section shall be made with as little detriment and inconvenience to the person to whom such mains, pipes, tubes, wires, or apparatus may belong, or by whom they are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such person, or their or his surveyor or engineer, if they or he think fit to attend after receiving not less than twenty-eight hours' notice for that purpose, which notice the Company are hereby required to give:

II. The Company shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, or apparatus, or other works belonging to or controlled by any such person, or do anything to impede the passage of water or gas, or the telegraphic or other communication into or through such mains or pipes, without the consent of such person, or in any other manner than such person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas, or telegraphic or other communication, as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to be removed or displaced, shall at the expense of the Company have been first made and laid down in lieu thereof and ready for use, to the satisfaction of such person or his surveyor or engineer, or in case of disagreement between such person, or his surveyor or engineer, the Company, to the satisfaction of an engineer to be appointed by the Corporation of the City of Adelaide:

III. The Company shall not lay down such pipes contrary to the regulations of any Act of Parliament.

22. Where any of the tramways or any other work connected therewith interferes with any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Corporation of the City of Adelaide, or the street authority, or any other person, or with any
any sewers or works to be made or executed by the said Corporation, street authority, or other person, or in any way affects the sewerage or drainage of the district under their control, or under the control of any of them, the Company shall not commence any tramway or work until they shall have given to the street authority, Corporation, or other person, fourteen days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such street authority, Corporation, or other person, with all necessary particulars, nor until such street authority, Corporation, or person, shall have signified their approval of the same, unless they do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice and particulars as aforesaid; and the Company shall comply with and conform to all reasonable directions and regulations of such authority, Corporation, or person in the execution of the said works, and shall provide new, altered, or substituted works in such manner as the said street authority, Corporation, or person, shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to, or by reason of the tramways, and shall save harmless the street authority, Corporation, or person, against all and every expense to be occasioned thereby; and all such works shall be done under the direction, superintendence, and control of the engineer or other officer or officers of the street authority, Corporation, or person, at the reasonable costs, charges, and expenses in all respects of the Company; and when any new, altered, or substituted work as aforesaid, or any work or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the street authority, Corporation, or person aforesaid, and be maintained by them, as the case may be, as any sewers or works now or hereafter may be.

23. The Company shall be answerable for all accidents, damages, and injuries happening through the act or default of the Company, or of any person in their employment, by reason or in consequence of any of the works of the Company, and shall indemnify all street authorities and persons from all damages and costs in respect of such accidents, damages, and injuries.

24. The tramways shall be completed fit for traffic within eighteen months from the passing of this Act, or within such further time, not exceeding twelve months from the end of such eighteen months, as the Governor may see fit to allow.

25. The Company shall at all times keep the tramways in good repair and working order, and after the end of the said eighteen months, or of such further time (if any) as may have been allowed pursuant to the preceding section for constructing the tramways, the Company shall provide cars in sufficient numbers to travel along the tramway.
tramway No. 1 and the portion of the tramway No. 2, lying between the point of commencement thereof and the junction of Eliza-street and Alpha Road, at least six times each way, and along the remaining portion of tramway No. 2 at least once each way between the hours of seven o'clock in the morning and eleven o'clock in the evening of every day except Sunday.

26. The Company shall at their own expense at all times maintain and keep in good condition and repair, with such materials and in such manner as the street authority shall direct, and to their satisfaction, so much of any road whereon any tramway of the Company is laid as lies between the rails of the tramway, and so much of the road as extends eighteen inches beyond the rails of and on each side of any tramway of the Company. If the Company abandon their undertaking or any part of the same, and take up any tramway or part of any tramway belonging to them, they shall with all convenient speed, and in all cases within six weeks at the most (unless the said street authority otherwise consent in writing), fill in the ground and make good the surface, and, to the satisfaction of the said street authority, restore the portion of road upon which such tramway was laid, and clear away all surplus paving or metalling material or rubbish occasioned by such work; and they shall in the meantime cause the place where the street is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided always, that if the Company fail to comply with the provisions of this section, the street authority, if they think fit, may themselves, at any time after seven days' notice to the Company, open and break up the road, and do, instead of the Company, the work necessary for the paving, repair, and maintenance of the road to the extent in this section abovementioned, and the expense incurred by the said street authority in so doing shall be repaid to them by the Company.

27. If any person other than the Company (except by agreement with the Company) shall wilfully use the rails of the tramways for the purpose of driving or propelling any conveyance thereon, such person shall forfeit and pay to the Company a sum not exceeding Twenty Pounds for every such conveyance using, and for every time that it uses, such rails.

28. The Company and any other person may from time to time make and enter into and carry into effect contracts, agreements, and arrangements for or with reference to the use by such other person of the tramways, and the tolls, rates, and charges to be paid for such use, and the terms and conditions of such user, and all incidental matters.

29. If any person, without lawful excuse, the proof whereof shall lie on him, shall wilfully do any of the following things, namely—

1. Interfere with, remove, or alter any part of a tramway of the Company, or of the works connected therewith:

11. Place
The Prospect and Nailsworth Tramway Act.—1882.

II. Place or throw any stones, dirt, wood, refuse, or other material on any part of any tramway:

III. Do, or cause to be done, anything so as to hinder or obstruct any car lawfully using the tramways, or to endanger the lives of persons thereon or therein:

IV. Hinder or obstruct, or endeavor to hinder or obstruct, any person from getting in or out of any car lawfully using the tramways, either by shepherding such car or otherwise:

V. Or knowingly aid or assist in the doing of any such thing:

He shall for every such offence, in addition to any proceedings by way of indictment or otherwise to which he may be liable, forfeit to the Company a sum not exceeding Twenty Pounds.

Tolls.

30. The Company may demand and take for every passenger conveyed upon the tramways, for the use of the tramways and car, and motive power, and every other expense incidental to the conveyance of such passengers, any tolls or charges not exceeding the sum of Twopence per mile, but so that for every passenger conveyed for a distance less than three miles the Company may demand and take tolls and charges as for three miles, and for every fraction of a mile beyond three miles, or beyond any greater integral number of miles, the Company may demand tolls and charges as for a mile.

31. Every passenger travelling upon the tramways may take with him his ordinary personal luggage without any charge being made for the carriage thereof, but so that the weight of such luggage shall not exceed twenty-eight pounds.

32. The Company shall not be bound, unless they shall think fit, to carry any animals or any goods other than passengers' luggage not exceeding the weight mentioned in the last preceding section.

33. A list of all the tolls and charges authorised by this Act to be taken, and which shall be demanded by the Company, shall be exhibited in some conspicuous place in the inside of each of the cars used by the Company upon the tramways.

34. The tolls and charges authorised by this Act to be taken, and which shall be demanded by the Company, shall be paid to such persons, and at such places upon or near the tramways, and in such manner, and under such regulations as the Company shall by notice to be annexed to the list of tolls appoint.

35. If any person travelling or having travelled in or on any car of the Company shall avoid, or attempt to avoid payment of his fare; or if any person having paid his fare for a certain distance shall proceed in or on any such car beyond such distance, and shall not pay his fare for the additional distance, or shall attempt to avoid payment thereof; or if any person refuse or neglect on arriving at the
the point to which he has paid his fare to quit such car, every such person shall for every such offence forfeit to the Company a sum not exceeding Forty Shillings.

36. It shall be lawful for any officer or servant of the Company, and all persons called by him to his assistance, to seize any person who shall be discovered to be committing any offence in the preceding section mentioned, and whose name and residence shall be unknown to such officer or servant, and to detain such person until he can be conveniently taken before a Justice of the Peace for the said province, or until he be otherwise discharged by due course of law.

37. No person shall carry on the tramways any aquafortis, oil of vitriol, gunpowder, or other goods which may be of a dangerous nature; and if any person shall carry such goods on the tramways he shall forfeit any sum not exceeding Twenty Pounds for every such offence; and it shall be lawful for any authorised servant of the Company, or any constable or Justice of the Peace, to require any parcel that he may suspect to contain any such goods to be opened in order to ascertain the fact.

38. The restrictions in this Act contained as to the tolls and charges which the Company may demand and take for the conveyance of passengers shall not extend to any special car, but shall apply only to the ordinary cars appointed by the Company from time to time for the conveyance of passengers.

39. If, after the tramways shall have been for one year opened for public traffic, it shall be represented in writing to the Governor by the street authority of any street in which the tramways are laid that, in the opinion of such street authority, the tramways, or some specified part thereof, are, or is, dangerous or inconvenient to the public, and ought to be removed or modified, the following provisions shall come into force—

1. The Governor may, by order under his hand, require the Company to remove or modify the tramways or the part thereof specified as aforesaid:

11. If the Company, within one calendar month after the service of such order, shall give notice in writing under their common seal to the Governor that they desire that the question as to the necessity or expediency of the removal or modification ordered shall be referred to the decision of an arbitrator to be appointed by the Governor, the question shall be referred accordingly; and upon the application either of the Company or of the street authority the Governor shall appoint some impartial person as arbitrator, and the award of the arbitrator with reference to the question referred to him shall be final and conclusive as against all parties, and the arbitrator by his award may, if he think
think fit, direct the removal or modification of the tramways:

iii. Within six calendar months after service upon the Company of the order of the Governor directing the removal or modification of the tramways, or if the Company shall have given notice as aforesaid of their desire that the question as to the necessity or expediency of such removal or modification should be referred, then, within six calendar months after the publication of the award of any arbitrator appointed by the Governor directing the removal or modification of the tramways, or within such earlier time (if any) as may be limited by such order or award, the Company shall remove or modify the tramways pursuant to the directions contained in such order or award, and shall make good the street in which the tramways removed or modified were or are situate to the reasonable satisfaction of the street authority thereof: Provided that if any modification which the Company may be required to make in the tramways by any such order or award shall be beyond their then existing powers, the Company shall, as soon as conveniently may be, apply to Parliament for the necessary powers to make such modification, and the provisions contained in the next following sub-section shall not have effect until the expiration of three calendar months after the Bill to be introduced into Parliament by the Company in compliance with this provision shall have become law, unless such Bill shall be rejected by Parliament or withdrawn:

iv. If the Company fail to remove or modify the tramways in accordance with such order or award, as the case may be, or to make good the street in manner aforesaid, the removal, modification, or making good may be effected by the street authority of the street in which such tramways are situate, and the amount of the cost thereof, certified by the clerk or secretary for the time being of such street authority (whose certificate shall be final and conclusive with reference thereto) shall, on demand, be repaid by the Company to the street authority:

v. If the Company fail to pay the amount so certified within one calendar month after delivery to them of the certificate or a copy of the certificate of the clerk or secretary of the street authority, the street authority (without prejudice to any other remedy which they may have for the recovery of the amount) may sell and dispose of any materials of the tramways removed or modified which may remain in their hands, either by public auction or private sale, for such price as the street authority shall think fit, and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs certified as aforesaid, and
and all charges and expenses of and incidental to such sale, and the balance (if any) of the proceeds of such sale shall be paid by the street authority to the Company.

40. If at any time after the opening of the tramways for traffic the Company shall discontinue the working thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company), it shall be lawful for the street authority of any street to remove the tramways situate in such street, the working whereof shall be so discontinued as aforesaid, and the amount of the cost of such removal and making good, certified by the clerk or secretary of such street authority (whose certificate shall be final and conclusive with reference thereto), shall, on demand, be repaid by the Company to the street authority; and if the Company fail to pay the amount so certified within one calendar month after delivery to them of such certificate, or a copy thereof, the street authority (without prejudice to any other remedy which they may have for the recovery of the amount) may sell and dispose of the materials of the tramways so removed, and apply the proceeds of such sale in manner provided by the last preceding section.

41. If at any time hereafter it shall appear to any street authority that the Company are insolvent, so that they are unable to carry out the undertaking with advantage to the public, and the street authority shall make a representation to that effect to the Governor, the Governor may direct an inquiry into the truth of the representation, and if the referee shall find that the Company are so insolvent, the Governor may, by order under his hand, declare that the powers of the Company under this Act shall cease and determine on the expiration of six months from the date of such order, and (unless Parliament shall in the meantime otherwise declare) such powers shall cease and determine accordingly; and it shall be lawful for the street authority of any street any time after the expiration of the said six months to remove the tramways situate in such street, and to restore the street to its original state and condition, and to sell and dispose of the materials of the tramways in manner hereinbefore mentioned, and out of the proceeds of such sale to pay and reimburse themselves the amount of the costs (to be certified by the clerk or secretary of the street authority, whose certificate shall be final and conclusive) of the removal of the tramways, and restoration of the street, and of and incidental to the sale, and the balance, if any, of the proceeds of the sale shall be paid over by the street authority to the Company.

42. Every inquiry which by this Act the Governor is empowered to direct shall be made in accordance with the following provisions—

1. The inquiry shall be held before an officer (hereinafter called the referee) to be appointed in that behalf by the Governor, and
and the appointment of the referee shall be in writing, which shall specify all the matters referred to him:

11. Ten days' written notice at the least, of the time and place at which the inquiry is to be commenced, shall be given by the referee to the Company, and to the street authority upon whose representation the Governor shall have directed the inquiry:

111. The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time, as may be necessary, to such time and place as he may think fit:

iv. The referee, either on the application of the Company or of the street authority aforesaid, shall by summons require the attendance before himself, at a place and time to be mentioned in such summons, of any person to be examined as a witness before him; and every person summoned shall attend the referee in obedience to such summons, and answer all questions touching the matter to be inquired into:

v. The referee shall administer an oath to any person summoned or tendered as a witness on the inquiry:

vi. The referee shall make his report to the Governor in writing, and shall, upon request, deliver copies of his report to all or any of the parties to the inquiry:

vii. The referee shall have power to direct by and to whom the costs, or any part of the costs of the inquiry, shall be paid, and he shall also fix the amount thereof:

viii. The referee shall for all purposes be deemed to be an arbitrator, and his appointment shall be deemed to be a submission to arbitration between the parties to the inquiry in respect of the matters thereby referred to him, and his report shall be deemed to be, and shall have the effect of and be dealt with as, an award made upon such submission, and every such submission on the application of any party interested in the inquiry may be made a rule of the Supreme Court.

43. It shall be lawful for the Company from time to time to make by-laws for preventing the commission of any nuisance in or upon any car, or on any of the premises of the Company, and for regulating the travelling upon or using and working of the tramways, and the conduct of the officers and servants of the Company, and generally for providing for the management of the affairs of the Company; and it shall also be lawful for the Company from time to time to repeal or alter any such by-laws: Provided that such by-laws be not repugnant to law.

44. Any
44. Any person offending against any by-law of the Company shall forfeit for every such offence any sum (not exceeding Five Pounds) to be imposed by the Company in such by-laws as a penalty for any such offence; and if the infraction or non-observance of such by-laws be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the tramways, it shall be lawful for the Company summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to the penalty incurred by the offender.

45. A copy of all by-laws made by the Company shall be scaled with the seal of the Company, and submitted for approval to the Governor, who, on being satisfied that the same are framed in conformity with law, and are reasonable and proper, may confirm the same by writing under his hand; and no by-laws made by the Company shall have any force or effect until the expiration of fourteen days after a copy of such by-laws and of the confirmation thereof by the Governor shall have been published in the Government Gazette.

46. It shall be lawful for the Governor at any time to notify to the Company his disallowance of any by-laws then in force, and the time at which the same shall cease to be in force; and no by-laws which shall be so disallowed shall have any force or effect after the time fixed by the notice of such disallowance, saving in so far as any penalty may have been then already incurred under the same: Provided that a copy of such notice shall be published in the Government Gazette; and the time of disallowance fixed by such notice shall not be earlier than fourteen days after the date of the first publication of such notice.

47. The production of a copy of the Government Gazette, containing a copy of any by-laws purporting to be the by-laws of the Company, and the confirmation thereof by the Governor, or a notice of the disallowance by the Governor of any by-laws of the Company, shall in all cases and for all purposes be deemed to be conclusive evidence that such by-laws have been duly made and confirmed or disallowed in manner therein appearing.

48. Every notice by this Act required to be given by or to the Company shall be in writing or print, or partly in writing or partly in print, and shall be signed by the Company, street authority, or persons giving the same, or by their secretary or clerk; and such notice shall have been deemed to have been duly given if left at the principal office of the Company, street authority, or persons to whom the same shall be intended to be given, or if posted in a registered letter, prepaid, addressed to such Company, street authority, or persons, or to their secretary or clerk, at their principal office: Provided that if such notice shall be posted as aforesaid, the same shall be deemed to have been given at the last moment of the day on which the same ought to be delivered at such principal office in the ordinary course of post.

49. Every
49. Every secretary, accountant, or officer, clerk, or servant of the Company, notwithstanding he may be a shareholder and have a joint interest in the property of the Company, shall be liable to be proceeded against criminally for any offence committed by him in respect of the property of the Company in like manner and in all respects as if he were not a shareholder and had no such interest.

50. Every proceeding under this Act for any omission, default, offence, or act to which any penalty is attached, where no other mode of proceeding is by this Act provided, may be had and taken before, and be heard and determined in a summary way by, any Special Magistrate or two Justices of the Peace, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, intituled “To facilitate the Performance of the Duties of Justices of the Peace out of Sessions with respect to Summary Convictions and Orders,” or of any Act now in force, or hereafter to be in force, relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders made by such Magistrate or Justices may be enforced as in the said Ordinance or in any other Act as aforesaid or shall be provided.

51. In every case of the adjudication of a fine or pecuniary penalty under this Act, and of the non-payment thereof, any Justice of the Peace may commit the offender or person making default in payment to any gaol in the said province for any time nor exceeding three calendar months, the imprisonment to cease on payment of the sum due, and the costs of such proceedings as may have been taken for the recovery thereof; but this section shall not affect any remedy under the said Ordinance, No. 6 of 1850.

52. There shall be an appeal, to the Local Court of Adelaide of Full Jurisdiction only, from every conviction by any Special Magistrate or Justices for any offence against this Act, and from every order dismissing any information or complaint or from any other order made by such Magistrate or Justices under this Act, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, or any Act now or hereafter to be in force regulating such appeals; but the Local Court of Adelaide aforesaid shall have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed Ten Pounds.

53. In each year after the year one thousand eight hundred and eighty-three the Company shall pay to the Corporation of the City of Adelaide rates calculated on the sum of Two Hundred Pounds per mile, and shall pay to the District Council of Prospect, or their successors, rates calculated on the sum of One Hundred Pounds per mile, as the annual value for every mile in length of the tramways along any of the streets subject to the control of the said Corporation or District Council, or the successors of such District Council respectively, in the same manner as rates declared and levied upon
upon ratable property by virtue of "The Municipal Corporations Act, 1880," or "The District Councils Act, 1876," or of any Act amending the same respectively, and such rates shall form portion of the general revenue of such Corporation or District Council, or the successors of such District Council respectively: Provided that, save as in this section provided, neither the tramways nor any works connected therewith, nor the cars, horses, rolling-stock, or other things used in working the tramways, shall be liable to the payment of any municipal, district, or other local rates or taxes whatever.

54. The Corporation of the City of Adelaide shall have the like power of making and enforcing rules and regulations, and of granting licences with respect to all carriages using the tramways, and to all drivers, conductors, and other persons having charge of or using the same, and to the standings for the same, as they are for the time being entitled to make, enforce, and grant, with respect to the hackney carriages and the drivers, and other persons having the charge thereof, and to the standings for the same in the streets of, or under the control of, the Corporation.

55. Nothing in this Act shall limit or affect the power of any street authority to regulate the passage of any traffic along or across any street in which the tramways shall be constructed, and such street authority may exercise any such power, as well on the tramways as off the same, and with respect as well to the traffic of the Company as to the traffic of other persons.

56. The Company, prior to engaging any treasurer, collector, or receiver, or any other officer to be entrusted with the collection or custody of any moneys in connection with or for the use of the tramways hereby authorised, shall receive from such officer a bond, with sufficient sureties, conditioned in such an amount as the Directors of the Company may deem sufficient, as security for the faithful execution of his office.

57. All moneys at any time becoming due to the Company by any of its members in respect of calls made upon shares not fully paid up, but subscribed for the purpose of constructing and maintaining the tramways hereby authorised, shall be debts due to the Company by such members respectively, and recoverable by action accordingly.

58. The said Company shall cause to be kept full and accurate accounts of all moneys received and expended under the provisions of this Act, and shall cause such accounts to be balanced once at least in every year.

59. The Company shall, once at least in every year, cause such accounts to be submitted to an auditor or auditors, to be appointed by the members of the Company; and such auditor or auditors shall,
shall, for the purpose of assisting him or them in the preparation of a full, true, and impartial report, be supplied by the Directors of the Company with all books, accounts, memoranda, and vouchers relating in anywise to the affairs of the Company.

60. The remuneration of such auditor or auditors shall be fixed by the members of the Company at the time of his or their appointment, and shall be payable out of the funds of the Company.

61. The Company shall also, once in every year at the least, cause to be prepared an account in abstract of the total amount realised by the said fees, tolls, charges, and other payments hereby authorised to be made, and also of all outgoings, debts, expenses, and liabilities incurred by or on behalf of the Company for the past year, under the several and distinct heads of receipts and expenditure, together with a statement of the balance of the account, duly audited, which statement shall be signed and certified by such auditor or auditors and by the Chairman of the Directors of the Company; and the Company shall cause to be transmitted one copy of such account, free of charge, to the Auditor-General of the said province, on or before the thirty-first day of January in every year.

62. In the event of the Company not forwarding such account at the time hereinbefore provided, they shall forfeit and pay a sum or penalty of Five Pounds for every day during which the said account is withheld from the Auditor-General.

63. The said account shall, after due inspection by the Auditor-General, be filed by him in his office, and shall be open to the inspection of the public at all reasonable hours on payment of the sum of One Shilling.

64. The Company shall have power to borrow on loan or mortgage any sum or sums of money not exceeding in the whole one-third part of the capital for the time being of the Company; but it shall not be lawful for the Company, or any person or persons acting on its behalf, to raise any sum or sums of money whatsoever, whether on loan or mortgage, unless and until an amount equal to one-half of the capital for the time being of the Company shall have been fully paid up by the members thereof.

65. The Company, if it repays the whole or any part of any sum of money borrowed under the powers granted in that behalf by this Act, may again borrow the whole or a portion of the amount paid off, and so from time to time; but unless the money be reborrowed for the purpose of paying off any then existing loan or mortgage of the Company, the power to reborrow shall not be exercised without the authority of a general meeting of the Company.

66. Every mortgage and bond for securing the repayment of money borrowed
borrowed by the Company shall be made by deed under the common
seal of the Company, and the consideration shall be truly stated
therein; and every such mortgage or bond shall be in the respective
forms set forth in the Schedule to this Act, or in some form to the
like effect; but no such mortgage or bond shall contain any pro-
vision securing, or purporting to secure, further advances.

67. The respective mortgagees and their assigns shall one with
another be entitled to their respective proportions of the tolls, sums,
and premises comprised in their respective mortgages, and of the
future calls (if comprised therein) payable by the shareholders
according to the sums in such mortgages respectively mentioned to
have been advanced by the respective mortgagees, and to be repaid
with interest at the rate mentioned in such mortgages, without any
preference one above another by reason of priority of the date of
any such mortgage, or of the meeting at which the borrowing of
the money secured thereby was authorised, or otherwise howsoever.

68. Notwithstanding that any such mortgage comprises future
calls on shareholders of the Company, the moneys paid in respect
of each such call shall, unless the mortgage expressly provide the
contrary, be received by the Company and applied to its purposes;
and any shareholder of the Company who shall, without notice in
fact of such express provision having been made, pay to the Com-
pany any money in respect or on account of any such call, shall not
be liable for the same or any part thereof to the mortgagee.

69. The respective obligees in such bonds, and their assignees,
shall, ratably, according to the amount of the moneys secured
thereby, be entitled to be paid out of the tolls or other property or
effects of the Company the respective sums mentioned in such bonds,
and intended to be thereby secured, without any preference one
above another by reason of priority of date of any such bond, or of
the meeting at which the borrowing of the moneys thereby secured
was authorised, or otherwise howsoever.

70. A register of mortgages and bonds shall be kept by the
secretary of the Company, and within fourteen days after the date
of any such mortgage or bond, an entry or memorial specifying
the number and the date of such mortgage or bond, and the sum
of money secured thereby, and the names of the parties thereto,
with their proper additions, shall be made in such register, which
may at all reasonable times be perused without fee or reward by
any shareholder, or mortgagee, or bond-creditor of the Company, or
by any person interested in such mortgage or bond, or by any person
authorised to act on behalf of any such mortgagee, bond-creditor, or
person.

71. Any person entitled to any such mortgage or bond may
transfer his right and interest therein to any other person, and
every such transfer shall be made by a deed in which the con-
side
consideration for the transfer shall be truly stated, and every such transfer shall be according to the form in the Schedule to this Act annexed, or in a form to the like effect; and every such transfer in which the consideration is not truly stated shall be void.

72. Every transfer of mortgage or bond shall be produced to the Company's secretary within thirty days after the date of the execution thereof (if executed within the Province of South Australia), or within thirty days after its arrival in the said province (if executed elsewhere). The secretary shall thereupon cause an entry or memorial thereof to be made, in the manner hereinbefore prescribed with respect to the original mortgage or bond. After such entry or memorial has been made, the transferee named in such transfer shall be entitled under it to the full benefit of the original mortgage or bond, in all respects; and the person by whom such transfer has been made shall not have power to make void, release, or discharge the mortgage or bond so transferred, or the whole or any part of the money thereby secured. For making such entry the Company may demand the sum of Two Shillings and Sixpence, and the Company shall not be bound to make such entry until such sum has been paid, nor shall the Company be in any manner responsible to such transferee in respect of such mortgage or bond, until such entry has been made, and the secretary has been paid such sum of Two Shillings and Sixpence, and duly required to make such entry. Every such transfer which is executed out of the said province, or a copy thereof, shall, within thirty days after its execution, be transmitted to the Company's secretary for registration.

73. The interest on the mortgage debts and bond debts respectively shall, at the times named in the mortgages and bonds respectively for payment of such interest, be paid to the several persons entitled thereto, and in preference to any dividend payable to the shareholders of the Company, if the times for payment of interest be not named in any bond or mortgage, the interest on the moneys thereby respectively secured shall be paid half-yearly, and the first payment thereof shall be made at the expiration of six months from the date at which the moneys thereby respectively secured were paid to the Company.

74. The Company may, if they think proper, fix a day on which the principal moneys so borrowed with the interest thereon shall be repaid, and shall on or before that day repay the same to the person entitled thereto; and the day (if any) so fixed shall be specified in the bond or mortgage. If the whole or any part of the principal moneys so borrowed or of the interest (if any) due thereon shall on the day after that specified for the payment thereof remain unpaid, the person entitled thereto may forthwith sue the Company for the recovery thereof.

75. Repayment of the whole or of any part of the principal moneys
moneys so borrowed, and payment of the interest thereon, shall in all cases be made at the Company's principal office or place of business, unless some other place be named for that purpose in the indenture of mortgage or bond: and the Company shall always have its principal office or place of business in the City of Adelaide.

76. If in any mortgage or bond a time for the repayment of the principal money be not fixed, the person entitled thereto may at any time after the expiration of one year from the date of such mortgage or bond, demand in writing repayment of such principal moneys, and payment of all arrears of interest due thereon, provided that a notice in writing of the intention to make such demand has, at least six months before the making thereof, been given to the Company by or on behalf of the person who, at the time of the giving of such notice, is entitled to such principal moneys; and if the whole or any part of the principal moneys, or of the interest due thereon, shall at the expiration of one week from the day on which such demand is made remain unpaid, the person entitled thereto may forthwith sue the Company for the recovery thereof.

77. If in any mortgage or bond a time for repayment of the principal moneys be not fixed, the Company may, at any time, after the expiration of one year from the date of any such mortgage or bond respectively, pay to the person entitled thereto the principal moneys secured thereby respectively, and all arrears of interest (if any) due thereon, provided that a notice expressing the intention of the Company to make such payment, and requiring the person entitled to such principal moneys and interest to attend, on a day named in such notice at the principal office of the Company (or if a place has been named for that purpose in the mortgage or bond, then requiring attendance at such place) has, at least six months before the day in such notice named for such attendance, been given by the Company to the person who is at the time of the giving of such notice entitled to such principal moneys and interest, and such person shall, personally, or by some agent authorised by him in writing to receive such principal moneys and interest, and to give a proper discharge for the same, attend on the day and at the place named in such notice, and receive such principal moneys and interest, and give a proper discharge therefor.

78. Every such notice of an intention to demand repayment of the principal moneys secured by any mortgage or bond, and payment of the interest thereon, shall be delivered to the secretary or left at the principal office of the Company; and every such notice of an intention on the part of the Company to pay such principal moneys and interest shall be delivered to the person entitled thereto, or shall be left at or sent by post to some place situate within the Province of South Australia, and named in the mortgage or bond as his address, or to such other address within the said province as the person for the time being entitled to such principal moneys and interest shall furnish in writing to the Company.
pany. If an address be not mentioned in the mortgage or bond, and the person entitled to the principal moneys and interest has not furnished an address in writing to the Company, then such notice shall be given by an advertisement published once in the Government Gazette, and in some one or more of the newspapers which shall then be published daily in the City of Adelaide.

79. Whenever the Company has given (as in this Act provided) to any such mortgagee or bond-creditor, notice of their intention to pay the principal moneys and interest thereon at a time when the Company is entitled to make such payments, then, from and after the day named in such notice for such payment, interest shall cease to accrue on, or be payable in respect of, such principal moneys, unless the Company shall fail to make such payment on the day named in such notice for that purpose; and the person entitled to such principal moneys and interest personally, or by some agent authorised by him in writing to receive such principal moneys and interest, and to give a proper discharge therefor, shall attend on the day named in such notice at the Company's principal office or place of business to receive the principal moneys and interest, and to give a proper discharge for the same.

80. Any mortgagees of the Company may severally, or in conjunction with each other, enforce, by obtaining the appointment of a receiver, the payment of arrears of interest due on any mortgage debts due to him or them, or the repayment of such debts, and payment of the interest due thereon.

81. Whenever the arrears of interest due to any mortgagee of the Company amount to the sum of One Thousand Pounds, and have remained unpaid for thirty days after the day or days on which they become payable, the person to whom such arrears of interest are due may, after having made on the Company a written demand for payment thereof, but without prejudice to his right to sue at law or in equity for such arrears of interest, require the appointment of a receiver, by an application to be made in the manner hereinafter mentioned.

82. Whenever a mortgage debt of the Company has, without the consent of the mortgagee, remained unpaid for six months after the same has become repayable, and amounts to the sum of Two Thousand Pounds, the person to whom such debt is due may, after making on the Company a written demand for the repayment of such debt due to him, but without prejudice to his right to sue at law or in equity for any such mortgage debt, together with all arrears of interest due thereon, require the appointment of a receiver in the manner hereinafter mentioned.

83. Every application for a receiver under either of the last two sections shall be made to a Judge of the Supreme Court; and such Judge may, when any such application has been made, after hearing
the applicant mortgagee, or any practitioner of the Supreme Court
acting on his behalf, and if the Company oppose such application,
after hearing them by their secretary, or by some practitioner acting
on the behalf of the Company, appoint some fit person to receive the
whole, or a competent part of the tolls or moneys liable to the pay-
ment of such interest, or the repayment of such mortgage debt, as
the case may be, until there has been made full payment of such
interest, and full repayment of such mortgage debt, as the case may
be, together with all costs of the applicants, properly or necessarily
incurred in making, or in respect of the said application, and also
all costs, charges, and expenses, properly or necessarily incurred in
receiving and collecting the aforesaid sum and tolls, and in paying
over the same to the applicants.

84. After such appointment has been made by a Judge, and after
a true copy of the order whereby such appointment is made has
been delivered to the secretary, or left at the principal office of the
Company, all tolls or sums of money which are liable to pay
such interest and principal, and which the Company may receive,
shall be paid by the several persons receiving them, or by the Com-
pany to the person appointed receiver thereof by such order; and
shall be received by him to the use of the applicant mortgagee and
his other transferees; and shall be applied by the receiver to pay,
in the first place, all the aforesaid costs, charges, and expenses; and
the surplus, if any, shall be applied in paying to the applicants,
ratably, the amounts due to them respectively.

85. The power and authority of the receiver shall determine when-
ever all such costs, charges, and expenses, arrears of interest, and
mortgage debts have been fully paid, and the surplus receipts (if any)
shall be then paid by him to the Company.

86. At all reasonable times the Company’s books of account shall
be open to the inspection of every mortgagee and bond-creditor of
the Company, and of any person acting on his behalf, and every such
mortgagee, bond-creditor, or person shall be entitled to make extracts
therefrom without payment of any fee therefor.

87. All interest for the time being due on any moneys borrowed
on mortgage under this Act, and all such principal moneys from the
times at which they respectively are advanced, shall have against the
Company and against the property of the Company priority over all
other claims on account of any debt to be incurred or engagement
to be entered into by them: Provided always, that such priority shall
not prejudice or affect the lien of any unpaid vendor for the unpaid
purchase-money of any land taken from him by the Company for the
purpose of the tramways.

88. It shall not be lawful for the Company to employ any part
of the capital, raised by means of calls or of any power of borrowing,
for
Deposit to be impounded as security for completion of line.

Application of deposit or penalty in compensation to parties injured.

for the purpose of paying any sum or sums of money as interest or dividends upon such calls.

89. Whereas, pursuant to the Standing Orders of the Legislative Council of this province, a sum of Five Hundred and Seventy-five Pounds, being one-twentieth of the amount of the estimate in respect of the tramways authorised by this Act, has been deposited in the Treasury of the said province: Be it enacted that the said sum of Five Hundred and Seventy-five Pounds so deposited as aforesaid, in respect of the application for this Act, shall not be paid or transferred to or on the application of the person or persons depositing the same, or their successors or representatives, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways hereby authorised to be made, either open the said tramways for the public conveyance of passengers or prove to the satisfaction of the Commissioner of Public Works that the Company have paid up one-half of the amount of the capital of the Company as fixed by the memorandum of association thereof, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if the said period shall expire before the Company shall either have opened the tramways for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Commissioner of Public Works, the said sum of money, deposited as aforesaid, shall be applied in the manner hereinafter specified, and the certificate of the said Commissioner shall be sufficient evidence of the fact so certified: Provided that if the aforesaid conditions for repayment of the said sum of Five Hundred and Seventy-five Pounds shall be complied with such sum shall thereupon be repaid by the Treasurer to the said Company.

90. The said sum of money, deposited as aforesaid, shall be applicable, and, after due notice in the Government Gazette, shall be applied towards compensating any person whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said tramways, or any portion thereof; or who may 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, shall have been paid; and also in compensating all street authorities for the expenses incurred by them in taking up any tramway or materials connected therewith, placed by the Company in or on any road vested in or maintainable by such street authorities respectively, and in making good all damages caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Supreme Court or any Judge thereof may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum
sum of money or such portion thereof as may not be required as aforesaid shall be forfeited to Her Majesty, and accordingly be paid or transferred to and form part of the revenue of the province in such manner as the said Court or Judge thinks fit to order on application of the Attorney-General, or, in the discretion of the Court, 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.

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

92. At any time after the expiration of fourteen years from the time of the passing of this Act, it shall be lawful for the Government to purchase the said tramways and undertaking, at a price to be determined as follows, that is to say: Two arbitrators shall be appointed by the Government and two arbitrators by the Company, and all matters relating to such purchase shall be submitted to the decision of such arbitrators, and in all other respects such arbitration shall be conducted in accordance with and under and subject to the "Railways Clauses Consolidation Act," No. 7 of 1847: Provided that the Government shall not be compelled to abide by the event of the award if the Government shall give to the Company one month's notice in writing to that effect, and thereupon the Company shall be at liberty to carry on and work the said tramway: And provided also, that the Government shall pay all costs of the reference and award, and all costs and charges incidental thereto.

93. Nothing herein contained shall be deemed or construed to exempt the tramways by this Act authorised to be made from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future Session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges authorised by this Act.

94. If at any future time the Government shall construct any line or lines of railway or tramway, the construction of which may, or may be supposed to injuriously affect the undertaking hereby authorised, then and in such case no claim to compensation from the Government shall accrue to the Company.

95. Nothing in this Act contained shall affect any right, title, or interest of Her Majesty, Her heirs, or successors.

96. This
**45° & 46° VICTORIÆ, PRIVATE ACT.**

*The Prospect and Nailsworth Tramway Act.—1882.*

**96.** This Act shall be deemed and taken to be a Public Act, and shall be judicially noticed as such within the province without being specially pleaded.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

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**SCHEDULE.**
FORM OF MORTGAGE.

Prospect, Nailsworth, and Enfield Tramway Company, Limited.

Mortgage, No. £

By virtue of the Prospect, Nailsworth, and Enfield Tramway Act, 1882, we, the Prospect, Nailsworth, and Enfield Tramway Company, Limited, in consideration of the sum of £ paid to us by

of

do assign unto the said

h executors, administrators, and assigns, the undertaking [and in case the loan shall be in anticipation of the capital authorised to be raised, and all future calls on shareholders] and all the tolls and sums of money arising by virtue of the said Act, and all the estate, right, title, and interest of the Company in the same to hold unto the said

h executors, administrators, and assigns until the said sum of £

together with interest payable for the same at the rate of £ per cent per annum, be satisfied.

Given under our common seal this day of one thousand eight hundred and

(L.S.)

Countersigned by

Attested and registered by

FORM OF BOND.

Prospect, Nailsworth, and Enfield Tramway Company, Limited.

Bond No. £

By virtue of the Prospect, Nailsworth, and Enfield Tramway Act, 1882, we, the Prospect, Nailsworth, and Enfield Tramway Company, Limited, in consideration of the sum of £ paid to us by

of

do bind ourselves, and our successors, unto the said

h executors, administrators, and assigns in the penal sum of

The condition of the above obligation is such that if the said Company shall pay to the said h executors, administrators, or assigns on the day of, the principal sum of £, one thousand eight hundred and

together with interest for the same at the rate of £ per cent per annum, payable in each year; then the above-written obligation is to become void, otherwise to remain in full force.

Given under our common seal this day of one thousand eight hundred and

(L.S.)

Countersigned,

Attested and registered by

(K)

DIRECTORS.

SECRETARY.

FORM
FORM OF DEED OF TRANSFER OF MORTGAGE OR BOND.

I, of , in consideration of the sum of £
paid to me by , of , do hereby transfer to
the said , h executors, administrators, and assigns, a certain
bond [or mortgage, as the case may be], number, in the Register of the Company,
and made by the Prospect, Nailsworth, and Enfield Tramway Company, Limited,
to , and bearing date the day of ,
for securing the sum of £ , and £ per centum per annum interest
[if the transfer is made by the deed indorsed on the security, omit all the words after
"assigns," and substitute "the within security"] and all my right, estate, and interest
in and to the money thereby secured [If the transfer be one of a mortgage, add
these words—"and in and to the tolls, moneys, and property thereby assigned"]: In witness whereof I have hereunto set my hand and seal, this day of 

Signed, sealed, and delivered,
in the presence of

(L.S.)