CHAPTER clviii.

An Act for making a Tramroad along the Seashore from Brighton to Rottingdean in the County of Sussex and a Jetty or Landing Stage at Rottingdean and for other purposes. [27th July 1893.] A.D. 1893.

WHEREAS the making and maintaining of the tramroad herein-after described upon and along the seashore from Brighton to Rottingdean and in connection therewith a jetty or landing-stage at Rottingdean would be of public and local advantage:

And whereas the persons herein-after named with others are willing to construct the said tramroad and jetty or landing-stage and it is expedient that they be incorporated into a company and the necessary powers conferred upon them for that purpose:

And whereas it is also expedient to authorise the Company so incorporated (herein-after called "the Company") to enter into agreements with the Corporation of the borough of Brighton for the purposes herein-after expressed:

And whereas plans and sections showing the lines and levels of the tramroad and jetty or landing stage authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which may be acquired by agreement for the purposes of this Act were duly deposited with the clerk of the peace for the county of Sussex and are herein-after respectively referred to as the deposited plans sections and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

A.D. 1893. Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title. **1.** This Act may be cited as the Brighton and Rottingdean Seashore Electric Tramroad Act 1893.

Incorporation of Acts. **2.** The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and the Harbours Docks and Piers Clauses Act 1847 are so far as applicable and except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act.

Sections 11 12 15 and 16 of the Railways Clauses Consolidation Act 1845 shall extend and apply to the tramroad and to the Company with respect thereto and for the purposes of the said sections the tramroad and works of the Company shall be deemed to be a railway and the Company shall be deemed to be a railway company.

Interpretation. **3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction "The Company" means the Company incorporated by this Act "the borough" means the municipal borough of Brighton "the Corporation" means the mayor aldermen and burgesses of the borough acting by the council and "the undertaking" and "the tramroad" mean respectively the tramroad and jetty and undertaking 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.

Company incorporated. **4.** Edward Overall Bleackley John Jackson Clark Alexander John Rawlinson Magnus Volk and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the

tramroad and jetty and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Brighton and Rottingdean Seashore Electric Tramroad Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase hold and dispose of lands and other property for the purposes of this Act.

Power to make tramroad and jetty.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the tramroad and jetty herein-after described with all proper engine-houses fitting-shops yards depôts stations works and conveniences connected therewith and may by agreement purchase such of the lands delineated on the said plans and described in the deposited book of reference as may be required for such purpose The tramroad and jetty herein-before referred to and authorised by this Act will be situate in the county of Sussex and are—

(1) A tramroad two miles seven furlongs four chains in length commencing in the parish of Brighton near the Paston Place Groyne on land beach or foreshore belonging or reputed to belong to the Corporation thence proceeding along the beach and foreshore on the level between high and low water mark at a distance of about one hundred yards from the cliff to the village of Rottingdean and terminating at a point on the seashore immediately to the westward of Rottingdean Gap in the parish of Rottingdean;

(2) A jetty or landing-stage commencing on the face of the cliff opposite the termination of the tramroad before described in the parish of Rottingdean and proceeding thence in a southerly direction over the foreshore and into the sea for a distance of two hundred feet or thereabouts and terminating in the sea.

Gauge and motive power.

6. The tramroad shall be constructed on a gauge of not exceeding twenty-four feet and the carriages run thereon shall be moved by electricity or such other mechanical power as the Corporation from time to time by writing under their common seal approve and the platforms and carriages shall be placed at such an elevation as to be safe from interruption by the sea.

Capital.

7. The capital of the Company shall be twenty thousand pounds in two thousand shares of ten pounds each.

A.D 1893.

Shares not to be issued until one-fifth paid.

8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

9. One-fourth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls.

Receipt in case of persons not sui juris.

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

Power to borrow.

11. The Company may in respect of the capital of twenty 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 five thousand pounds but no part thereof shall be borrowed until the whole of the capital of twenty thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and also that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

12. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Company not to create debenture stock.

13. The Company shall not create debenture stock.

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

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

16. The number of directors shall be five but the Company may from time to time reduce and again increase the number provided that the number be never less than three or more than five. Number of directors.

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

18. The quorum of a meeting of directors shall be three. Quorum.

19. Edward Overall Bleackley John Jackson Clark Magnus Volk Steyning Beard and one other person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power herein-before contained for increasing or reducing the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed or disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors. Election of directors.

20. No wires or conductors shall be placed above or upon the surface of any street or road for the purpose of conducting electricity as a motive power. Restrictions on use of electric power.

The exercise of the powers hereby conferred with respect to the use of electrical power shall be subject to any regulations which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise

A.D. 1893.

of the powers by this Act conferred with respect to the use of electrical power on the tramroad.

Penalty for using electrical power contrary to regulations.

21. The Company or any person using electrical power on the tramroad contrary to any regulations made by the Board of Trade under the preceding section or to any regulation added thereto or substituted therefor by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding fifty pounds and also in the case of a continuing offence to a further penalty not exceeding ten pounds for every day after the first during which such offence continues after conviction therefor Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any person using electrical power on the tramroad has made default in complying with any of the regulations made by them or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such person to cease to exercise the powers aforesaid and thereupon the Company or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade.

For protection of Post Office telegraphs.

22. In the event of the tramroad of the Company being worked by electricity the following provisions shall have effect :—

(1) The Company shall construct their electric lines and works of all descriptions and shall work their tramroad in all respects so as to prevent any interference whether by induction or otherwise with the telegraphic lines from time to time laid down or used by the Postmaster-General or with telegraphic communication by means of such lines Provided that this section shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him on or along the tramroad :

(2) 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 :

(3) In this section the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878 :

(4) 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.

Tramroad to be deemed to be a railway for the purpose of conveyance of mails.

23.—(1) The tramroad shall for the purposes of the conveyance of Her Majesty's mails and generally in relation to the rights powers and privileges of Her Majesty's Postmaster-General be deemed to be a railway and the enactments relating to the conveyance of mails by railway and to the rights powers and privileges conferred upon the Postmaster-General in relation to telegraphs shall apply to the tramroad and to the Company as if the tramroad were a railway and the Company were a railway company.

(2) The remuneration for any services which have been performed by the Company in pursuance of the enactments relating to the conveyance of Her Majesty's mails by railway (except in the case where a mail guard is sent with bags of letters upon the same conditions as any other passenger under the power conferred by section 11 of the statute 7 & 8 Vict. cap. 85.) shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company or in default of agreement by the Railway and Canal Commission which is hereby empowered to determine the same in the manner provided by the Railway and Canal Traffic Acts 1873 and 1888 with respect to differences between railway companies and for this purpose the Company and the Postmaster-General shall be deemed to be railway companies and this provision shall have effect in lieu of any provision respecting remuneration contained in the enactments relating to the conveyance of mails by railway.

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

For the protection of the National Telephone Company.

24. For the protection of the National Telephone Company Limited their successors and assigns (herein-after referred to as "the Telephone Company") the following provisions shall have effect in the event of the tramroad of the Company being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say):—

(1) The Company shall so construct their electric circuits and other works of all descriptions and shall so work their tramroad in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to

A.D. 1893.

time used or intended to be used by the Telephone Company for the purpose of telephonic communication or with the currents in such circuits:

Provided that as regards electric circuits erected or laid down after the construction of the works of the Company this sub-section shall only apply if reasonable and proper precautions have been taken in the erection or laying down of such circuits and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Company:

(2) Seven days before commencing to lay down or place any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wire or line of the Telephone Company lawfully laid down or placed in any position may be injuriously affected the Company shall unless otherwise agreed with the Telephone Company give to the Telephone Company notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Company shall conform with such reasonable requirements as may be made by the Telephone Company for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid:

(3) If any difference arises between the Company and the Telephone Company with respect to anything in this section contained such difference shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Company and the Telephone Company were companies within the meaning of that Act:

Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered:

Provided always that if the Company or the Telephone Company at any future time apply to Parliament to repeal or amend the foregoing provisions in accordance with the report of a Joint Committee of both Houses of Parliament (whether such report shall or shall not be retrospective in its recommendations) the Telephone Company or the Company as the case may be shall not be entitled to oppose such application except on details.

Byelaws.

25. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to the tramroad and the use of electrical power thereon under the authority of this Act for all or any of the following purposes (that is to say) :—

For providing that carriages shall be brought to a stand at such places as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramroad and the protection of passengers from any machinery used for propelling such carriages ;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramroad by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Regulations and byelaws to be signed &c.

26. All regulations and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to have been duly made or given in accordance with the provisions of this Act and to be regulations orders and byelaws within the meaning of the Documentary Evidence Act 1868 and may be proved accordingly.

Lands for general purposes.

27. In addition to the lands occupied by the tramroad and jetty the Company may purchase by agreement and hold and use for the purposes of their undertaking any quantity of land not exceeding three acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any such land.

Power to take easements &c. by agreement.

28. 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 of water) 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.

A.D. 1893.

Works &c. below high water mark not to be commenced without consent of Board of Trade.

29. The Company shall not under the powers of this Act on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows construct any work or place any rails or sleepers without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed or any such rails or sleepers may have been placed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If the same be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Survey of works &c. by Board of Trade.

30. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed or rails or sleepers laid by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of work &c. abandoned or decayed.

31. If a work constructed or rails or sleepers laid by the Company under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

For protection of Corporation of Brighton.

32. In exercising the powers by this Act conferred upon them the Company shall unless otherwise agreed between the Company and the Corporation conform to and observe the following provisions

regulations and restrictions for the protection of the Corporation and the same shall have effect accordingly (that is to say) :—

(1) The Company within twelve months from the passing of this Act and before exercising any of the powers of this Act in relation to the execution of works within or on the foreshore or beach of the borough shall prove to the satisfaction of the Corporation that they have agreed for the purchase of all lands or interests in land required for the purpose of the undertaking and are in a position fully and efficiently to carry out and complete the works by this Act authorised and to discharge the duties and obligations imposed upon them by this Act and shall also within the same time or such extended period as the Corporation may approve and before exercising any of the powers of this Act in relation to the execution of works within or on the foreshore or beach of the borough deposit or secure to the satisfaction of the Corporation the sum of five hundred pounds which sum shall be repaid or released to the Company when and so soon as it shall be certified by the borough surveyor that an amount equal to the sum so deposited has been properly expended by the Company upon the tramroad and works within and on the foreshore or beach of the borough :

(2) The tramroad jetty and works by this Act authorised to be constructed so far as the same will be situate within or on the foreshore or beach of the borough shall be constructed to the satisfaction in all respects of the borough surveyor for the time being and in accordance with plans sections elevations and specifications to be previously submitted to and approved by him :

(3) The Company shall not except with the consent of the Corporation under their common seal deviate laterally from the lines of any of the works by this Act authorised and situate within or on the foreshore or beach of the borough as shown on the deposited plans or vertically from the levels thereof shown on the deposited sections :

(4) The Company shall not without the consent of the Corporation suffer or allow any portion of their works within or on the foreshore or beach of the borough to be more than four inches above the surface of the chalk rock or sand forming the foreshore or beach on which the same will be constructed or do any act whereby the free passage of boats to and from any portion of the foreshore or beach of the borough shall be interfered with :

A.D. 1893.

(5) The Company shall not without the consent of the Corporation generate electricity upon any lands within the borough:

(6) The Company shall not place any wire conductor or other apparatus or means used or intended to be used for the purpose of conveying or transmitting electricity above or upon the surface of any ground within or of the foreshore or beach of the borough but all such wires conductors apparatus and means shall be placed and laid down at such depth below the surface of the ground foreshore or beach and in such manner and shall be so insulated as the borough surveyor may previous to their being so laid down approve:

(7) The Company shall not in the exercise of any of the powers of this Act cut into pull down or in any way interfere with any groyne or other public work belonging to the Corporation on the beach or foreshore of the borough without the previous consent in writing of the Corporation:

(8) If the Corporation at any time or times hereafter desire to construct a sea wall or any additional groynes or other works upon the foreshore or beach of the borough or to alter or repair any existing groynes or works situate thereon across over or near to which or to the intended site of which any of the works of the Company may have been constructed or laid the Company shall if so required by the Corporation by notice in writing under the hand of the town clerk for the time being divert their works in such manner as the Corporation by such notice require so as to allow of the construction alteration or repair of the works which the Corporation desire to construct alter or repair as aforesaid without interference from the works of the Company If the Company fail within three months of the receipt of such notice to make and complete the diversion so required the Corporation may themselves either make and complete such diversion or remove or alter the works of the Company to such extent as they may think necessary for enabling them to effect such construction alteration or repair as the case may be without interference from the works of the Company and may recover the cost thereof from the Company summarily and the Corporation shall not be liable to pay any compensation in respect of such diversion removal or alteration or of any interference with the working of the tramroad occasioned thereby:

(9) No buildings shall be erected by the Company on the foreshore or beach of the borough without the previous consent in writing of the Corporation under their common seal and the

Company shall not without the like consent permit any smoke or steam excepting smoke or steam from any machine or engine necessary for and whilst actually in use in the construction maintenance or repair of the works authorised by this Act at any time to issue from any part of the Company's premises within or on the foreshore or beach of the borough or any engine or carriage on the tramroad:

(10) (A) In case the Company fail fully to complete the whole of the tramroad and any works to be constructed in connection therewith in conformity in all respects so far as the same are within or on the foreshore or beach of the borough with the plans sections elevations and specifications approved by the borough surveyor and to open the same for the public conveyance of passengers within the time by this Act limited for their completion the Company shall (without prejudice to all other rights or remedies of the Corporation) recoup the Corporation for any loss they may sustain by reason of any such default as aforesaid:

(B) If the Company after the completion and approval by the Board of Trade of the works by this Act authorised shall not commence to work or shall at any time cease to work the tramroad or any part thereof in a proper and efficient manner or shall permit or suffer any portion of the said works which will be situate within or on the foreshore or beach of the borough to become dilapidated or ruinous or to be offensive to the Corporation or the inhabitants or visitors of Brighton or if the Company shall fail to observe the provisions of this Act or shall fail to maintain the tramroad and works according to the terms of this Act or of any contract which may be entered into between them and the Corporation then and in any of such cases and as often as the same may happen (without prejudice to all other remedies) the Company shall forfeit and pay to the Corporation a sum of fifty pounds and a further sum of ten pounds for each day on which any such offence shall occur and the Corporation may give to the Company a notice in writing requiring the Company to properly and efficiently work the tramroad or to repair and make good the dilapidations or remove the cause of offence or perform the obligations as the case may be Provided that no such sum shall be forfeited or payable in respect of any damage caused by stress of weather or other like unavoidable cause and which damage is made good by the Company as soon as practicable or to any delay in

A.D. 1893.

commencing to work and any cesser in the working of the tramroad arising from like causes:

(c) Every such sum and any loss sustained by the Corporation as aforesaid shall be a debt due from the Company to the Corporation and may be recovered by the Corporation summarily and shall when received subject in the case of moneys paid or recovered in recoupment of any loss sustained in consequence of the non-completion of the tramroad and works as aforesaid to the payment of any expenses which the Corporation may incur in removing such tramroad and works be carried to the credit of the borough fund:

(d) If the Company fail to fully complete the whole of the tramroad and works as aforesaid or to open the same for the public conveyance of passengers or if they fail to comply with the requirements of such notice as is in sub-section (b) of this section mentioned then (without prejudice to the recovery by the Corporation of any such sum or loss as aforesaid or to any other right or remedy of the Corporation) the estate term rights and interests of the Company in any land of the Corporation which they may have acquired by agreement for the tramroad or any works connected therewith shall cease and determine and the same shall become the property of the Corporation discharged from all rights acquired by the Company and the Corporation may eject and remove the Company and all other persons from the said tramroad and lands and may take up and remove any works machinery or apparatus of the Company situate thereon and may sell the same and the materials thereof and apply the proceeds of such sale in or towards the payment of the expenses of such removal and may recover the balance of any of such expenses summarily from the Company Provided always that the restrictions and prohibitions herein-before contained shall notwithstanding any such re-entry continue in force with respect to any other property or lands of the Company within the borough Provided also that it shall be lawful for the Corporation at any time or times upon terms or otherwise to waive the exercise of the present power of re-entry without prejudice to the exercise thereof on a subsequent occasion:

(e) If any question shall arise between the Corporation and the Company as to whether the tramroad is being worked in a proper and efficient manner such question shall be determined by an arbitrator to be appointed on the application of the Corporation or the Company by the Board of Trade and the

decision of such arbitrator shall be final and the costs of such arbitration shall be in his discretion : A.D. 1893.

(11) Nothing in this Act contained shall exempt any building or works constructed by the Company either during the progress or after the completion thereof respectively from any of the provisions of the local Acts in force within the borough or of the Public Health Act 1875 or of any Act for the time being in force amending the same Act or supplemental thereto or incorporated therewith as far as such provisions are applicable to any such building or works and are insisted upon by the Corporation.

Restriction on taking houses of labouring class.

33. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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.

Deposit-money not to be repaid until the tramroad is opened.

34. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of four hundred and fourteen pounds being five per centum upon the amount of the estimate in respect of the tramroad and four per centum upon the amount of the estimate in respect of the jetty has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons

A.D. 1893.

survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for the completion of the tramroad open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramroad the deposit fund shall be applicable and shall be applied as provided for by the next following section.

Application of deposit.

35. If the Company do not previously to the expiration of the period limited for the completion of the tramroad complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund shall be applicable and after due notice in the "London Gazette" shall be applied toward compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramroad or any portion thereof and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or transferred to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

36. If the tramroad and jetty are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Tramroad not to be opened until certified by Board of Trade.

37. The tramroad shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Application of certain sections of Railways Clauses Act.

38. Sections 89 90 93 96 103 104 and 105 of the Railways Clauses Consolidation Act 1845 shall so far as applicable apply to the conveyance of passengers and parcels upon the tramroad and the rates and charges to be taken thereon as if the same were a railway within the meaning of that Act.

Company not to convey cattle and goods.

39. The Company shall not carry any cattle goods or minerals or merchandise on the tramroad.

Rates for small parcels.

40. With respect to small parcels not exceeding five hundred pounds in weight conveyed by passenger trains the Company may demand and take any charges not exceeding the following (that is to say):—

For the carriage of small parcels on the tramroad:

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit:

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

Maximum rates for passengers.

41. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the tramroad including every expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage threepence per mile;

For every passenger conveyed in a carriage of an inferior class twopence per mile;

For every passenger conveyed on the tramroad for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or beyond any greater number of miles shall be deemed a mile.

A.D. 1893.

Passengers' luggage.

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

Tolls for jetty.

43. The Company may charge for every person landed on or embarked from the jetty by this Act authorised each time not exceeding twopence and for any trunk portmanteau or other article not carried by hand one penny.

Agreements with Corporation of Brighton.

44. The Company and the Corporation may enter into and carry into effect contracts agreements and arrangements for or with respect to the mode of construction working and maintenance of the tramroad and works or any part or parts thereof and the works and conveniences connected therewith and accesses thereto and the acquisition and appropriation of lands and property for depôts and generating or other stations.

Saving for Crown rights in foreshore &c.

45. Nothing in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of Crown under Crown Lands Act.

46. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Prohibiting payment of interest out of capital.

47. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of 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.

48. 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 Acts.

49. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to tramroads or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act.

50. 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.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
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