CHAPTER lxxxix.

An Act to authorise the construction of Street Tramways between Shoreham and Hove in the county of Sussex; and for other purposes. [3rd July 1882.]

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WHEREAS the laying down of tramways in certain streets and roads in the parishes of New Shoreham Kingston-by-Sea Southwick Portslade and Aldrington would be of local and public advantage:

And whereas it is expedient that the persons herein-after named with others should be incorporated into a company and empowered to lay down and maintain the said tramways and for the purposes thereof to construct the new street and widen certain streets herein-after mentioned:

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised and the lands to be taken for the purposes thereof and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes of this Act have been deposited with the clerk of the peace for the county of Sussex and are in this Act referred to as the deposited plans sections and books of reference:

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

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

Short title.

1. This Act may be cited for all purposes as the Brighton District Tramways Act 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 16.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies

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26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
33 & 34 Vict. c. 78.

Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 and section 3 (interpretation of terms) and section 19 (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 are incorporated with and form part of this Act save where the same are expressly varied or excepted by this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the tramway" or "the undertaking" shall mean the tramways and works and undertaking respectively by this Act authorised or any part thereof the expression "the Company" means the Company incorporated by this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute and the word "contingencies" in the Companies Clauses Consolidation Act 1845 (section 122) shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act 1870 (section 43) at a sum less than the aggregate amount of the capital and debts of the Company.

Company incorporated.

4. William Hall, Evan Vaughan, Bampfield Braddick, Thomas Dudney, Edward Beves, John Blaker, Horace Saunders 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 tramways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Brighton District Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make tramways.

5. Subject to the provisions of this Act the Company may make form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections the tramways and works herein-after described with all proper rails plates works and conveniences connected therewith and for the purposes of the tramways and works authorised by this Act may enter upon take

and use such of the lands streets and roads delineated and numbered on the said plans and described in the deposited books of reference as may be required for those purposes. The tramways and works herein-before referred to and authorised by this Act are:—

Tramway No. 1 6 chains and 90 links in length situate in the parish of New Shoreham commencing in the Hebe Road at a point ·5 chains east of the Victoria Road proceeding in an easterly direction along Hebe Road and terminating by a junction with Tramway No. 2 at a point in the Southdown Road 1 chain north of the north parapet of the railway bridge of the London Brighton and South Coast Railway crossing over Southdown Road;

Tramway No. 1 will be a double line throughout;

Tramway No. 2 4 furlongs 5 chains and 40 links in length situate in the parish of New Shoreham commencing in the Southdown Road at a point 2·5 chains north of the Hebe Road proceeding in a southerly direction along Southdown Road thence in an easterly direction along Western Road thence in a northerly direction along Brunswick Road and thence in an easterly direction along Ham Road and terminating at the junction of Ham Road with Lower Shoreham Road;

Tramway No. 2 will be a single line except at the following places where it will be a double line:—

From a point ·5 chains from its commencement for a distance of 2·5 chains to the south;

From a point in Brunswick Road 1·2 chains north of Western Road for a distance of 3 chains along Ham Road to the east;

Tramway No. 3 7 furlongs and 30 links in length situate wholly in the parish of Kingston-by-Sea commencing by a junction with Tramway No. 2 at the termination thereof and proceeding in an easterly direction along the Lower Shoreham Road and terminating at a point 3·9 chains westward of the north-west corner of the building at the half-tide quay in Shoreham Harbour;

Tramway No. 3 will be a single line of tramway except at the following places where it will be a double line:—

From its commencement for a distance of 3 chains to the east,

From a point in the Lower Road 10·5 chains west of the summit of the bridge crossing over railway sidings for a distance of 3 chains to the east;

From a point in Lower Road opposite the south-west angle of Malthouse for a distance of 3 chains to the east;

From a point in Lower Road 1·5 chains west of High Lighthouse for a distance of 3 chains to the east;

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Tramway No. 4 1 mile 2 chains and 20 links in length situate wholly in the parish of Southwick commencing by a junction with Tramway No. 3 at the termination thereof and proceeding in an easterly direction along Lower Road Albion Street Fishersgate Terrace and terminating in the said terrace at a point ·2 chains west of Laylands Road;

Tramway No. 4 will be a single line of tramway except at the following places where it will be a double line of tramway:—

From a point in Lower Road 4·7 chains from the commencement of the tramway for 3 chains to the east;

From a point in Albion Street opposite the north-east corner of the Victory Inn for 3 chains to the east;

From a point in Albion Street ·75 chains west of the south-west angle of the coastguard station premises for 3 chains to the east;

From a point in Fishersgate Terrace opposite south-west corner of outhouse situate 12·7 chains west of West Road for 3 chains to the east;

From a point in Fishersgate Terrace 3·2 chains west of Laylands Road for 3 chains to the east;

Tramway No. 5 2 furlongs 1 chain and 80 links in length situate wholly in the parish of Southwick commencing by a junction with Tramway No. 4 at the termination thereof and proceeding along Fishersgate Terrace in an easterly direction and terminating at a point 6·2 chains west of Church Road;

Tramway No. 5 will be a single line of tramway for its whole length;

Tramway No. 6 3 furlongs 7 chains and 65 links in length situate wholly in the parish of Portslade commencing by a junction with Tramway No. 5 at the termination thereof and proceeding in an easterly direction along Wellington Road then in a northerly direction along Station Road and terminating in the said Station Road at a point 3·1 chains south of the south-east angle of Red House farmhouse;

Tramway No. 6 will be a single line of tramway except at the following places where it will be a double line:—

From a point in Wellington Road 3·5 chains from the commencement of the tramway for 3 chains to the east;

From a point in Wellington Road ·5 chains east of the south-east angle of Saint James's Hotel for a distance of 3 chains to the east;

Tramway No. 7 2 furlongs 4 chains and 50 links in length partly situate in the parish of Portslade and partly in the parish of Aldrington commencing in Station Road by a junction with Tramway No. 6 at the termination thereof and proceeding in a northerly direction along Station Road then in an easterly direction along a new road to be formed in the parish of Aldrington situated 1·5 chains south of the south gate of the railway level-crossing at Portslade Station and terminating in the said new road at a distance of 4 chains east of Station Road;

Tramway No. 7 will be a single line except at the following places where it will be a double line:—

From a point in Station Road ·5 chains from its commencement for 3 chains to the north;

From its termination for a distance of 4 chains to the west;

Tramway No. 8 1 mile and 9 chains in length situate partly in the parish of Portslade and partly in the parish of Aldrington commencing in Station Road by a junction with Tramway No. 7 at a point 3·75 chains north of the south-east angle of Red House farmhouse in Station Road then proceeding in an easterly direction along Church Road Aldrington and terminating at a point 4·5 chains east of Westbourne Villas;

Tramway No. 8 will be a single line of tramway except at the following places where it will be a double line:—

From a point in Church Road 7·2 chains east of the south-eastern angle of St. Leonard's Church for a distance of 3 chains to the east;

From a point in Church Road 5·8 chains west of Marine Park Villas for 3 chains to the east;

From a point in Church Road 9·8 chains west of Walsingham Road for 3 chains to the east;

Tramway No. 9 (on the deposited plans distinguished as No. 12) 5 furlongs 3 chains and 45 links in length situate partly in the parish of Southwick and partly in the parish of Portslade commencing by a junction with Tramway No. 4 at the termination thereof in Fishersgate Terrace proceeding along Layland's Road and an intended extension thereof in a northerly direction for a distance of 6 chains or thereabouts thence in an easterly direction along a new road to be formed on certain lands in the aforesaid parishes crossing Church Road Portslade at a point ·1 chain north of the southern boundary

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wall of Saint Andrew's Church ground and proceeding in an easterly direction to a point in Station Road 3·4 chains south of the south-eastern angle of Red House farmhouse and there forming a junction with Tramway No. 6 at its termination in Station Road;

Tramway No. 9 will be a single line of tramway except at the following places where it will be a double line:—

From a point in a proposed new road 6·3 chains from the commencement of the tramway for a distance of 3 chains to the east;

From a point in the proposed new road 3 chains west of Church Road for 3 chains to the east;

The whole of the aforesaid tramways will be situated in the county of Sussex;

A street commencing in the parish of Southwick in a field called the Laylands and terminating at the south-east corner of the public-house called Frazer's in the parish of Portslade;

A street widening in the parish of Portslade commencing at Frazer's public-house and terminating in the Station Road;

A street widening in the parish of New Shoreham of Hebe Road from its junction with the Victoria Road to Southdown Road.

Correction of errors in deposited plans and books of reference.

6. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference and not relating to the tramways the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Sussex for the correction thereof and if it appear to such justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Sussex and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the land affected thereby is situate and such certificate and duplicate shall be kept by such clerk of the peace and parish clerks with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to enter upon and use those lands accordingly.

Mode of formation of tramways.

7. The tramways to be made formed or laid down under this Act shall be constructed on a gauge of three feet six inches and

be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the street or road and shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic in the manner prescribed by the Board of Trade by any rules for the time being in force made by them in that behalf.

Tramways to be kept on level with surface of roads.

8. If the road authority shall hereafter alter the level of the road along which the tramways are laid or authorised to be laid the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Company to adopt improvements if required by Board of Trade.

9. The Board of Trade may from time to time upon the application of the road authority require the Company to adopt and apply such improvements in the tramways including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable dispatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Further provisions as to construction of tramways.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act: Provided always that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act 1870 or this Act.

Application of road materials excavated in construction of tramways.

11. Any paving metalling or material excavated by the Company in the construction of their works from the road may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after

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completion of the tramways of so much of the roadway on either side of the tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given to that effect such surplus thereof as aforesaid is not removed by the said surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Company and the road authority or their surveyor or other person appointed as aforesaid with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

As to gauge and rails of tramways and carriages.

12. The tramways shall be constructed on a gauge of three feet six inches and the rails of the tramways shall be such as the Board of Trade may approve and the carriages and engines to be used thereon shall not exceed six feet three inches in width.

Penalty for not maintaining rails and roads.

13. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the sub-structure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of

the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Sewer authority to have access to sewers.

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

Power to make sidings and junctions where necessary.

15. The Company may subject to the provisions of this Act with the consent in writing of the local authority and road authority from time to time make maintain alter and remove such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables engine sheds or carriage houses or works of the Company provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner lessee or occupier of premises abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to the Company state his objection thereto.

Period for compulsory purchase of lands.

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

Period for completion of works.

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

Land by agreement.

18. The Company may from time to time purchase take on lease and acquire by agreement such land in addition to their lands shown on the deposited plans as they may require for their undertaking not exceeding in the whole five acres.

Power to use animal steam or mechanical power.

19. The carriages used on the tramways by this Act authorised may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the tramways for public traffic and with the consent of the Board of Trade during such further period of seven years as the said Board

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may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power: Provided that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the schedule to this Act annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways.

Penalty for using steam or mechanical power contrary to orders or regulations.

20. If the Company or any other Company or person use steam or any mechanical power on any of the said tramways contrary to the provisions of this Act or to any regulation ordered by the Board of Trade as aforesaid they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any Company or person using steam or any mechanical power on the tramways of the Company under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the schedule to this Act annexed or with any regulation which may have been made as aforesaid may by order direct the Company or such Company or person to cease to exercise the powers aforesaid and thereupon the Company or such Company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws for regulating user of steam, &c.

21. 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 all or any of the tramways of the Company upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine;

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

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways of the Company and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all regulations and bye-laws in force for the time being in relation to the tramways of the Company 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.

As to recovery of penalties.

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

Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

23. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws.

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

As to contracts with road authorities where steam or mechanical power is to be used.

25. Before the Company or any other Company or person use steam or any mechanical power under the authority of this Act on the tramways or any part thereof they or he shall give two months previous notice of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend to use such power are or is situated. Where at the time of the giving of any such notice any contract agreement or

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arrangement is in force with respect to the user by the Company or such other Compauy or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such other Company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such other Company or person by such notice or for such road authority by notice to be served upon the Company or such other Company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using steam or any mechanical power on the tramways or any part thereof and thereafter from time to time the Company or such other Company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or such other Company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is used or with respect to the payment by the Company or such other Company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Company or such other Company or person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Company or such other Company or person or the Company or such other Company or person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with

respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the promoters and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed: Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force in relation to the tramways or such portions of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramways are laid.

Where steam or mechanical power is used contract with road authority not to be for longer than two years at a time.

26. Where steam or any mechanical power is used by the Company or any other Company or person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Company or such other Company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such other Company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid or the making of such contract agreement or arrangement: Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

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Capital.

27. The capital of the Company shall be forty thousand pounds in four thousand shares of ten pounds each.

Shares not to be issued until one fifth part paid up.

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

Calls.

29. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of calls in any year upon any share.

Receipts on behalf of incapacitated persons.

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

Power to borrow.

31. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole ten thousand pounds but no part thereof shall be borrowed until the whole capital of forty 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 or administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

32. The mortgagees of the Company 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 in the whole than one thousand pounds.

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Moneys borrowed on mortgage to have priority.

33. All moneys to be borrowed on mortgage under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Company not to create debenture stock.

34. The Company shall not create debenture stock.

Mortgages to comprise purchase money paid on compulsory sale.

35. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of compulsory sale to the local authority under the forty-third section of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement on mortgages of power of purchase by local authority.

36. Every mortgage deed to be granted or issued by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramways in the event of their being purchased by the local authority under the forty-third section of the Tramways Act 1870.

Application of moneys.

37. All moneys raised under this Act whether by shares or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Quorum of general meetings.

39. The quorum of a general meeting of the Company whether ordinary or extraordinary shall be five shareholders holding in the aggregate not less than one thousand pounds of the capital of the Company.

Number of directors.

40. The number of directors shall be seven but the Company may from time to time reduce the number of directors so that the number be not less than three.

Qualification of directors.

41. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

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

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First directors.

Election of directors.

43. William Hall, Evan Vaughan, Bampfield Braddick, Thomas Dudney, Edward Beves, John Blaker, and Horace Saunders shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions contained in the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor 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.

Deposit money not to be repaid except so far as tramway opened.

44. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of one thousand nine hundred pounds being five per centum upon the amount of the estimate in respect of the tramways numbered 1 to 12 inclusive on the deposited plans and sections and proposed to be authorised by the Bill for this Act as introduced into Parliament has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act and whereas tramways numbered 9 10 and 11 were struck out of the Bill during its progress through Parliament and the sum of one thousand five hundred pounds is five per centum upon the estimate in respect of the tramways authorised by this Act (which last-mentioned sum is in this Act referred to as the deposit fund) be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are 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 tramways open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramway for the public conveyance of passengers

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

Application of deposit.

45. If the Company do not previously to the expiration of the period limited for the completion of the tramways open them 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 towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the 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 road authorities for the expenses incurred by them in taking up any tramways or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division of the High Court of Justice in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has

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been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid or the survivors or survivor of them.

Release of part of deposit.

46. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of Her present Majesty chapter twenty or of the survivors or survivor of them or of the executors or administrators of the last survivor by petition in a summary way at any time after the passing of this Act the High Court of Justice (Chancery Division) may and shall order that the sum of four hundred pounds (being the balance of the said sum of one thousand nine hundred pounds) and the interest and dividends thereof shall be transferred and paid to the persons or person so applying or to any other person or persons whom they or he may appoint in that behalf.

Tolls for passengers.

47. The Company may demand and take for every passenger travelling upon the tramways or any part or parts thereof including tolls for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding twopence per mile and in computing the said tolls and charges the fraction of a mile shall be deemed a mile.

Passengers luggage.

48. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof but such personal luggage shall not occupy any part of a seat and shall not be of a form or description to annoy or inconvenience other passengers.

Company not to carry goods on tramways.

49. The Company shall not carry on the tramways any animals merchandise goods or articles other than passengers and passengers luggage not exceeding the weight in this Act mentioned.

Tolls to be paid as directed by theCompany.

50. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to 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.

Cheap fares for labouring classes.

51. The Company shall and they are hereby required at all times after the opening of the tramways for public traffic to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Company think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny) provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Periodical revision of tolls.

52. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partly situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Form and delivery of notices.

53. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect (namely):—

(1) Every notice shall be in writing or print or partly in writing and partly in print and if given by the local authority or the road authority may be signed by their clerk or secretary;

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(2.) Any notice to be delivered by or to the Company to or by the local authority or the road authority or other body or any Company may be delivered by being left at the principal office of that authority body or Company or of the Company as the case may be or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office and every such letter shall be deemed to be received by the authority body or Company or by the Company as the case may be on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Interest not to be paid on calls paid up.

54. The Company shall not out of any money by this Act authorised to be raised by calls or by borrowing pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him: Provided always that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

55. 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 tramways or to execute any other work or undertaking.

Provisions as to general Acts.

56. Nothing herein contained shall be deemed or construed to exempt the tramways 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 or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act.

Costs of Act.

57. 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.

SCHEDULE referred to in the foregoing Act.

Regulations as to Steam Power.

Break power of engines.

Every engine used on the tramways of the Company shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fittings of engines &c.

Every engine used on the tramways of the Company shall have its number shown in some conspicuous part thereof and shall be fitted :—

With an indicator by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell whistle or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engines shall be concealed from view.

As to carriages.

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

Inspection of engines and carriages.

The Board of Trade shall on application of the Company and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways of the Company and the machinery therein and may whenever they think fit prohibit the use on such tramways of any such engine or carriage which in their opinion may not be safe for use on such tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramways of the Company shall not exceed the rate of eight miles an hour. The speed at which engines and carriages may pass through moveable facing points shall not exceed the rate of four miles an hour.

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