CHAPTER ccxxxiv.

A.D. 1884.

An Act for incorporating the Chatham and Brompton Tramways Company and empowering them to construct Street Tramways in the parishes of Chatham and Gillingham in the county of Kent and for other purposes.

[7th August 1884.]

WHEREAS the construction of tramways in the public streets and roads in the parishes of Chatham and Gillingham in the county of Kent would be attended with public and local advantage:

And whereas it is expedient that the persons herein-after named with others should be incorporated into a company and should be empowered to make the said tramways and that the powers herein-after contained should be conferred upon them for that purpose:

And whereas plans and sections showing the lines and levels of the proposed tramways have been deposited with the clerk of the peace for the county of Kent and are herein-after referred to respectively as the deposited plans and sections:

And whereas the purposes aforesaid 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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Chatham and Brompton Tramways Act 1884.

Incorporation of general Acts.

2. The following Acts and parts of Acts (that is to say):—

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;

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The Lands Clauses Consolidation Act 1845 (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 Lands Clauses Consolidation Acts Amendment Act 1860;

Section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) of Part I. and Parts II. and III. of the Tramways Act 1870;

So far as they are applicable to and are not expressly varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act and shall apply to the undertaking of the Company.

Interpretation clause.

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

The expression "the Company" means the Company incorporated by this Act;

The expressions "the tramways" and "the undertaking" mean respectively the tramway and undertaking by this Act authorised;

The expression "person" includes a corporation;

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated with this Act 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; and

The word "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the tramways being sold to the local authorities under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company.

Company incorporated.

4. Luke Bishop and Sir William Magnay Baronet 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 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 incorporated by the name of "The Chatham and Brompton 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 and their undertaking shall be called "The Chatham and Brompton Tramways."

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 and in accordance with those plans and sections the tramways herein-after described with all proper rails plates chairs sleepers tubes engines engine houses carriage houses weigh-bridges weighing-machines works and conveniences connected therewith.

The tramways herein-before referred to and authorised by this Act are the following namely :—

A tramway being part of Tramway No. 2 shown on the deposited plans and sections one mile three furlongs four chains and ninety links or thereabouts in length consisting of four furlongs nine chains and eighty-seven links or thereabouts of single line and six furlongs five chains and three links or thereabouts of double line commencing in the parish of Chatham in Military Road at a point ten yards or thereabouts north-east from the junction of that road with High Street and terminating therein in the township of Gillingham in the parish of Gillingham at a point twenty-five yards or thereabouts west from the centre of Park Road.

The tramways hereby authorised will be made or pass in from through or into the parish of Gillingham and Chatham or one of them all in the county of Kent.

Company to widen certain bridge, &c.

6. Before the Company lay down the tramways over the bridge and through the opening through the ramparts near the entrance to the gun wharf in the Military Road Chatham they shall widen the said bridge and opening to the satisfaction of Her Majesty's Principal Secretary of State for the War Department and in accordance with plans to be previously submitted by the Company to and approved of by him.

General powers to the Company for strengthening bridges and improving gradient of roads.

7. The Company may subject to the provisions of section 31 of the Tramways Act 1870 and of this Act strengthen or where necessary pull down and rebuild any bridges arches or culverts under any roads or streets in which the tramways may be laid and may with the consent of the road authority ease or improve the gradients or inclinations of any or any part of such roads or streets where the same may be effected without injury to the adjoining property.

Company not to use carriages constructed for use on railways.

8. The Company shall not use upon the tramways carriages or trucks constructed for use upon railways.

Use of mechanical and animal power.

9. The carriages used on the tramways may subject to the provisions of this Act be moved by animal power and mechanical power as herein-after defined or by either of those means provided always that the Company shall not employ animal power on the tramways in Wood Street and River Street in the parishes of Chatham and Gillingham until the gradients of those streets have been altered so as not to be in any part greater than 1 in 14.

Capital.

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

Shares not to issue until one-fifth part thereof shall have been paid up.

11. The Company shall not issue any share created under the authority of this Act nor shall any 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 shall have been paid in respect thereof.

Calls.

12. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of incapacitated persons.

13. If any money is payable to a 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.

14. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole ten thousand pounds and of that sum they may from time to time borrow any sums not exceeding five thousand pounds in respect of each twenty thousand pounds of their capital but no part of either of such sums of five thousand pounds shall be borrowed until the whole of the portion of capital of twenty thousand pounds in respect of which the same is borrowed 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 portion of capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons or

corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations 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. A.D. 1884.

For appointment of a receiver.

15. 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 than five hundred pounds in the whole.

Company not to create debenture stock.

16. The Company shall not create debenture stock.

Short title of Act to be marked on mortgage.

17. Every mortgage granted by the Company shall be marked with the short title of the Act under which the same is granted.

Mortgage to comprise purchase-money paid on compulsory sale.

18. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to a local authority under section 43 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 of notice of power of future purchase by local authorities.

19. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not remain a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authorities or either of them under the power of purchase conferred by section 43 of the Tramways Act 1870.

Priority of mortgages.

20. All moneys borrowed on mortgage under this Act shall have priority against the Company and 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.

Application of moneys.

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

First and subsequent ordinary meetings.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held in the month of March in every year or in such other month as shall be from

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time to time determined by order of an extraordinary general meeting.

Quorum for general meetings.

23. The quorum for general meetings of the Company shall be ten shareholders present in person or by proxy holding in the aggregate not less than three thousand pounds in the capital of the Company.

Number of directors.

24. The number of directors shall be four but the Company may from time to time alter the number provided that the numher be not less than three nor more than four.

Qualification of directors.

25. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum.

26. The quorum for a meeting of directors shall be two.

First directors.

27. Luke Bishop and Sir William Magnay and two other persons to be nominated by 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

Election of directors.

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 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 altering the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for completion of works.

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

Deposit fund.

29. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty chapter twenty a sum of seven hundred and eighty-seven

pounds ten shillings New Three Pounds per Centum Annuities equal to five per centum upon the amount of the estimate in respect of the tramways proposed to be authorised by the Bill for this Act as introduced into Parliament has been paid into the Court that is to say—the Chancery Division of the High Court of Justice in respect of the application to Parliament for this Act And whereas a portion of the said tramways that is to say Tramway No. 1 and a portion of Tramway No. 2 shown on the deposited plans and sections so proposed to be authorised were struck out during the progress of the Bill through Parliament And whereas the sum of one hundred and ninety-six pounds seventeen shillings and sixpence New Three Pounds per Centum Annuities represents not less than five per centum upon the estimate of expense of the tramways by this Act authorised (which last-mentioned sum is in this Act referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said recited 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 or the executors or administrators of such survivor (which persons survivors or survivor and the executors or administrators of such survivor are or is in this Act referred to as and included in the expression "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the tramways for the public conveyance of passengers Provided that if within the said period the Company open any portion of the tramways for the public conveyance of passengers then on production of a certificate of the Board of Trade specifying the length of the portions of the tramways 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 tramways so opened bears to the entire length of the tramways the court shall on the application of the depositors order the said portion of the deposit fund so specified in such certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of that Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed any thing in the above-mentioned Act to the contrary notwithstanding.

Application of deposit fund.

30. If the Company do not previously to the expiration of the period limited by this Act for the completion of the tramways open

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them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors as aforesaid 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 and also in compensating any road authority for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authority and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the court 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 shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court think fit to order on the application of the solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund shall have been repaid to the depositors or shall have 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.

Release of balance of the deposit.

31. On the application by the depositors by summons in chambers in a summary way the court may and shall order that the sum of one hundred and ninety-six pounds seventeen shillings and sixpence New Three Pounds per Centum Annuities so transferred into court as aforesaid over and above the deposit fund and the dividends thereof shall be paid or transferred to the depositors or any other persons or person whom they may appoint in that behalf.

Purchase of lands by agreement.

32. The Company may from time to time purchase and acquire by agreement for the purposes of their undertaking and hold any

lands not exceeding two acres and they may erect or construct on any lands so acquired or they may take on lease any offices stables sheds workshops or other buildings yards works and conveniences for the purposes of their undertaking.

Company may erect or lease offices stables &c.

33. Every tramway to be made formed or laid down under the powers of this Act shall be constructed with two rails on the gauge of three feet And in such manner that the groove of the rail shall in no case exceed in width one inch and a quarter in any curve of which the radius is less than two chains or one inch in other parts Provided always that no carriage used on any such tramway shall be more than five feet ten inches in width.

Gauge of tramways. Width of groove.

34. The rails of the tramways shall be such as the Board of Trade may approve.

As to rails of tramways.

35. The Board of Trade may from time to time upon the application of the local authority or 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 despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Company to adopt improvements if required by Board of Trade.

36. 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 any part 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.

Further provisions as to construction of tramways.

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

Inspection by Board of Trade.

38. 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

Penalties for not maintaining

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rails in proper order.

the ordinary traffic the rails of the tramways and (except so far as repairs and maintenance are undertaken by the road authority) the paving metalling or other road materials laid down by the Company and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with any of the provisions of section 28 of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such failure 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.

Tramways always to be kept on level of surface of roads.

39. If and whenever the level of any road along or across which any or any part of the tramways is laid or authorised to be laid shall be altered 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.

Application of road materials excavated in construction of tramways.

40. Any paving metalling or material excavated by the Company in the construction of their works from any road under the jurisdiction or control of any road authority may be used or applied by the Company so far as may be necessary in or towards constructing the tramways and works connected therewith and in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are required to maintain and the Company shall if so required by such road authority 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 after notice given by the Company such surplus 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 any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the Company and any road authority.

Cleansing of roads.

41. The control over and duty of cleansing the surface of every road in which any tramway is laid shall continue in the road authority who may cleanse the same without reference to the tramways but whatever cleansing owing to snow or other matters impeding the traffic shall be requisite for the proper working of the tramways shall be executed by the Company who shall in performing the same remove the snow or other matter to such other parts of the road and at such times as the road authority or their surveyor may direct or in default of directions to such other part or parts of the road as the Company may think fit provided that the Company do not thereby obstruct the public traffic along the road.

Power to make additional crossings and sidings into private premises by agreement.

42. The Company may subject to the provisions of this Act with the consent 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 any of them or for providing access to any warehouses stables carriage or engine houses or works of the Company or by agreement with any railway or other company body or persons to any stations yards wharves warehouses buildings land or premises of such company body or persons near to or abutting on any street or road in which any tramway of the Company is laid Provided that in the construction of any such works no rail shall be so laid that a less space than 9 feet 6 inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner 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 express his objection thereto.

Temporary tramways may be

43. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is

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made when necessary.

laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company shall within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor discontinue or take up such tramway or part of the tramway for such term as may be necessary for the execution of the said works Provided that the Company may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct on the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued If any difference arises between the Company and the road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

Local or road authority to have access to sewers.

44. The local authority or road 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 and pipes to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the local or road authority as if the same were a pipe for the supply of gas or water.

Agreements between the Company and road authorities.

45. The Company and any local or road authority may subject to the provisions of this Act from time to time enter into any agreements with respect to the mode of constructing and to the maintaining removing renewing repairing and using of the tramways situate within the district of such local or road authority and the rails plates chairs sleepers and works connected therewith and the facilitating of the traffic over the same.

Use of mechanical power to be subject to regulations of Board of Trade.

46. The carriages used on the tramways may subject to the provisions of this Act with the consent of the Board of Trade and so far as relates to the tramways within the district under the jurisdiction of the local board for the district of Chatham Extra with the consent of the said local board be moved by mechanical power that is to say by wire ropes or cables placed underground and

worked by stationary engine power upon the system at present known as "the Halliday system of cable tramways" or any other similar method during a period of seven years after the opening of the tramways for public traffic and with the consent of the Board of Trade and so far as relates to the said district with the consent of the said local board during such further periods of seven years as the Board of Trade may from time to time by order specify Provided always that in the exercise of the powers by this Act conferred with respect to the use of mechanical power the Company 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 these powers.

Penalty for using mechanical power contrary to order or regulations.

47. The Company or any person using mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the Schedule to this Act annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act 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 person using 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 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 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 use of mechanical power.

48. 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 mechanical power may be used under the

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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 carriage;

For regulating the emission of smoke or steam from engines used in working the tramways;

For providing that 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 and the protection of passengers from the machinery used for drawing or propelling such carriages;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways 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.

49. 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 the Tramways Act 1870 as to byelaws by local authority.

50. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority of any district in which any tramway is laid with respect to the rate of speed to be observed in travelling on the tramways shall not authorise any such local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation made by the Board of Trade under the authority of this Act at which carriages are to be driven or propelled on the tramways under the authority of this Act but any such 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 of Board of Trade.

51. 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 of Trade.

As to contracts with road authorities where

52. Before the Company or any person use 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

mechanical power is to be used.

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 situate Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such 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 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 person by such notice or for such road authority by notice to be served upon the Company or such 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 mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using mechanical power on the tramways or any part thereof and thereafter from time to time the Company or such 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 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 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 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 person or the Company or such 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

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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 mechanical power shall be used on the tramways to which such appeal relates.

No 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 portion of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time 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 mechanical power is used contract with road authority not to be for longer than two years at a time.

53. Where mechanical power is used by the Company or any person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of mechanical power as aforesaid with respect to the user by the Company or such 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 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 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.

For the protection of the Chatham Local Board.

54. The following provisions for the protection and benefit of the local board for the district of Chatham Extra (in this section called respectively "the local board" and "the district") shall

apply and have effect in addition to all other provisions of this Act applicable to the local or road authority (that is to say) :—

Mode of paving.

(*a.*) The portion of any road which under section 28 of the Tramways Act 1870 or this Act is required to be repaired by the Company shall be paved by the Company with stone paving setts to the approval of the local board signified in writing under the hand of their surveyor for the time being the same being laid upon a six-inch bed of Portland cement concrete;

Plan &c. to be submitted to local board.

(*b.*) The Company shall at the same time as they lay before the Board of Trade the plan and statement referred to in section 36 (further provisions as to the construction of tramways) of this Act lay before the local board a duplicate of such plan and statement and they shall not commence the construction laying down maintenance or renewal of any tramway or any part thereof until such plan and statement shall have been approved of by the local board as well as the Board of Trade and after such approval the works shall be executed in accordance with such plan and statement to the reasonable satisfaction of the local board;

The local board may repair the Company's portion of road.

(*c.*) The local board may at any time take upon themselves the repairing and maintaining of such portions of any road within the district whereon any tramway is laid as the Company is liable under the Tramways Act 1870 or this Act to maintain and keep in good condition and repair and in that case they shall give to the Company a notice in writing of such their intention specifying the time from which they intend to exercise such powers and from that time the local board shall accordingly execute such works and the Company shall repay to the local board the reasonable cost thereof Provided always that upon the local board exercising the powers of this subsection the Company shall not be in way responsible or liable in respect of any loss or damage occasioned by or through the default of the local board Provided further that in the execution of such works the local board shall not unnecessarily stop the traffic on the tramways Provided also that the local board shall not exercise the powers conferred by this subsection unless and until the Company shall have made default under section 28 of the Tramways Act 1870;

Construction of new entrances to sewers where necessary.

(*d.*) Whenever any tramway or any passing-place is constructed or required to be constructed over any manhole or entrance into any sewer of the local board or so close to any such manhole or entrance as in the opinion of the surveyor for the time being of the local board to make the use thereof

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dangerous or inconvenient the Company shall if required by the local board construct another manhole or side entrance in lieu thereof in such a position and according to such plans as may be approved of by such surveyor or the local board may at their option reconstruct such manhole or entrance and the Company shall repay to the local board the reasonable cost thereof;

For protection of rain-water sewer.

(*e.*) The Company shall not without the consent in writing of the local board lay down any tramway in Military Road across the high level rain-water sewer until so much of that sewer as lies across that road has been relaid by the local board in three-foot iron piping at the reasonable expense of the Company but the local board shall not be required to relay such portion of sewer unless and until the Company shall have paid or tendered to the local board the reasonable estimated expense of such work and the certificate of the surveyor of the local board shall be conclusive evidence of the amount of such estimate;

Local board may stop traffic in certain cases.

(*f.*) If and whenever the local board shall stop delay or suspend the general traffic in any street in which the tramways are laid they may by notice in writing direct the Company at any time after the expiration of twenty-four hours from the service of such notice to stop delay or suspend the working of the tramways in the same street and the Company will on the expiration of such notice stop delay or suspend their traffic accordingly;

Breaking up roads by road authority.

(*g.*) Nothing in this Act contained shall obstruct hinder prejudice or prevent the local board from breaking up any road in the district for any purpose which they are authorised to break up any such road and for such purpose they may stop the traffic along the tramways within the district and any extra cost occasioned by reason of such tramways being within the district and incurred by the local board in the exercise of their powers and in restoring the surface of any such road and any of the tramways shall be borne by the Company and be paid by them to the local board provided nevertheless that the local board shall afford all reasonable facilities for enabling the Company to lay down temporary tramways under the powers of this Act so as to continue their traffic.

Local board may use tramways for road and sanitary purposes

(*h.*) Notwithstanding anything in this Act the local board may between the hours of twelve in the evening and half-past five in the morning and in such manner as they think fit (but subject to reasonable byelaws for the time being in force

with respect to the tramways) use free of toll the tramways for the conveyance of road and sewer material and for sanitary purposes and for that purpose they shall have power to form connexions between any yard or works belonging to them and the tramways provided that the formation of the junctions and laying down of the connecting lines within three feet of the points of junction shall be executed by the Company at the reasonable cost of the local board Provided also that in the construction of any connexion no rail shall be laid by the local board so that a space of less than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the clerk of the local board express his objection thereto; during certain hours.

(*i.*) All carriages used upon the tramways shall be kept in good repair and condition by the Company to the reasonable satisfaction of the local board; Restrictions and provisions as to carriages.

(*k.*) In case the Company carry animals goods minerals or parcels on the tramways within the district they may and when required in writing by the local board so to do shall carry the same in separate carriages or in separate parts of carriages set apart for that purpose; Provision as to carriage of animals goods &c. in separate carriages.

(*l.*) Subject to the provisions of this section the sole responsibility of maintaining and working the tramways free from danger or accident shall except as aforesaid rest with the Company; Company solely responsible for maintaining and working the tramways.

(*m.*) The Company shall pay to the local board all reasonable charges and expenses incurred by them for the supervision and inspection of any work done or to be done by the Company in connexion with the tramways; Certain expenses of local board to be paid by Company.

(*n.*) All moneys costs charges and expenses payable by the Company to the local board under this Act or the Tramways Act 1870 may be recovered by all and the same means as any simple contract debt of like amount may be recovered; As to recovery of costs &c.

(*o.*) The provisions of section 33 of the Tramways Act 1870 shall extend and be applied to any difference arising between the Company and the local board or their surveyor; For settlement of differences.

(*p.*) Except as is by this Act otherwise expressly provided nothing in this Act contained shall take away lessen prejudice or alter any of the estates rights interests powers or authorities of or belonging to the local board but the local board shall have and may use exercise and enjoy the same as fully freely and Saving rights of local board.

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effectually in all respects as they could or might have done if this Act had not been passed.

Tolls for passengers.

55. The Company may demand and take for every passenger travelling upon the tramways or any part thereof including the use of the tramways and of the carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile but for any less distance than two miles any tolls or charges not exceeding twopence may be charged.

Passengers' luggage.

56. 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 all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

List of tolls to be exhibited.

57. A list of the tolls and charges by this Act authorised to be taken for passengers including therein the cheap fares for the labouring classes and which shall be charged by the Company from time to time shall be exhibited in a conspicuous place inside each of the carriages used upon any of the tramways.

Company may carry animals goods and other things.

58. The tramways may be used for the carriage of passengers animals goods materials articles and things but the Company shall not be bound to carry animals goods materials articles or things other than personal luggage as aforesaid carried by passengers and not exceeding twenty-eight pounds in weight.

Tolls for animals goods &c. Regulations as to tolls.

59. The Company may demand and take in respect of any animals goods materials articles or things conveyed by them on the tramways including the use of the tramways waggons and trucks and motive power and every other expense incidental to such conveyance (except a reasonable sum for loading or unloading and for delivery and collection of goods minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Company) any tolls or charges not exceeding the rates per mile following:

Animals.

For every horse mule or other beast of draught or burden per head sixpence.

For every ox cow bull or head of cattle per head sixpence.

For every calf pig sheep or other small animal per head threepence.

Goods.

For all coals culm cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton threepence.

For all timber deals staves iron iron-stone iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled-iron bricks slag and stone stone for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway or tramway chairs and plates per ton fourpence.

For all sugar grain corn flour hides dyewoods and metals (except iron) nails anvils vices and chains and for light iron castings per ton sixpence.

For cotton wools drugs manufactured goods earthenware and all other wares coke charcoal merchandise fish vegetables and all other articles matters or things not otherwise specially classed herein per ton sixpence.

Vehicles.

For every carriage of whatever description having two wheels one shilling.

For every carriage of whatever description having four wheels one shilling and sixpence.

With respect to small parcels not exceeding one hundredweight in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls and charges not exceeding the following (that is to say):—

Small Parcels.

For any parcel not exceeding seven pounds in weight twopence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fourpence;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sixpence;

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

For any parcel exceeding fifty-six pounds and not exceeding one hundredweight such sum as the Company may think fit;

Provided that no parcel under fifty-six pounds in weight exceed four feet in length or measure more than twelve cubic feet: Provided always that articles sent in large aggregate quantities although

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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.

For the Carriage of Single Articles of Great Weight.

For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton.

For the carriage of any single piece of timber stone or machinery or other single article the weight of which including the carriage exceeds eight tons such sum as the Company may think fit.

Regulations as to Tolls.

For animals goods materials articles or things conveyed on the tramways for a less distance than two miles the Company may demand tolls and charges as for two miles.

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton (except in the case of small parcels) the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

With respect to bulky articles or goods the Company shall have the option of charging per ton measurement reckoning at the rate of fifty cubic feet to the ton.

Heavy traffic confined to certain hours.

60. No goods animals materials articles or things other than passengers and passengers' luggage and parcels not exceeding one hundred and twelve pounds in weight shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the consent of the local authority and the road authority.

As to mode &c. of payment of tolls.

61. The tolls and charges by this Act authorised shall be paid at such times and places and to such persons upon or near to the tramways and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of tolls appoint.

Periodical revision of tolls.

62. 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.

Cheap fares for labouring classes.

63. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sunday 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 and the Company shall be liable to a penalty not exceeding one pound for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section unless prevented by circumstances

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over which they have no control. 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.

Company to carry mails.

64. The Company if required by the Postmaster-General shall perform with respect to any of the tramways all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act 1882) as the Postmaster-General may from time to time require by notice under the hand of one of the secretaries or assistant secretaries of the Post Office or the Inspector-General of Mails for the time being the remuneration for such services being determined by agreement or failing agreement by a referee to be appointed by the Board of Trade at the request of either party Provided that except by agreement no mails shall be tendered for conveyance to the Company unless such mails are in charge of an officer of the Post Office And provided that except by agreement the aggregate weight of mails in charge of any one officer shall not exceed the maximum weight of luggage for the time being allowed to an ordinary passenger and shall not be carried on the seat or so as to inconvenience passengers but nothing in this section shall deprive the Postmaster-General of the right of requiring the Company to convey mails either as parcels or goods if and to the same extent as the Company are at any time conveying parcels or goods on their own account.

In this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873.

User of tramways by local authorities for sanitary purposes.

65. The local authorities may use the tramways in their respective districts for sanitary purposes at any time between the hours of twelve o'clock at night and five o'clock in the morning on paying such tolls as may be agreed upon between the Company and the respective local authority or as in case of difference may from time to time be fixed or directed by the Board of Trade.

Provisions as to arbitration.

66. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Common Law Procedure Act 1854 shall apply in every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

67. 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 including lithograph or partly in writing and partly in print and if given by the

local or road authority shall be sufficiently authenticated by being signed by their surveyor or clerk.

(2) Any notice to be delivered by or to the Company to or by the local or road authority may be delivered by being left at the principal office of the local or road authority 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 surveyor at their principal office and every such letter shall be deemed to be received by the local or road authority 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.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

68. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said principal secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said principal secretary for the time being without his previous consent signified in writing under his hand and which consent the said principal secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Company.

Interest not to be paid on calls paid up.

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

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

70. 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 tramway or to execute any other work or undertaking.

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Provision as to general Tramway Acts.

71. 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.

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

The SCHEDULE referred to in the foregoing Act.

Break Power.

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

As to Fittings of Carriages, &c.

Every carriage used on the tramways 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 conductor of such carriage so placed in front of such carriage as to command the fullest possible view of the road before him.

As to Carriages.

Every carriage used on the tramways 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 for their protection from the machinery of any mechanical power used for drawing or propelling such carriage.

Inspection of Engines and Carriages.

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

As to Speed.

The speed at which carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

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