CHAPTER cxviii.

An Act to authorise the Folkestone Sandgate and Hythe Tramways Company to abandon a portion of the tramway authorised by the Folkestone Sandgate and Hythe Tramways Act 1884 to extend the time limited by that Act for the completion of works to construct new tramways and for other purposes. A.D. 1886. [25th June 1886.]

WHEREAS by the Folkestone Sandgate and Hythe Tramways Act 1884 (in this Act called "the Act of 1884") the Folkestone Sandgate and Hythe Tramways Company (in this Act called "the Company") were incorporated with a share capital of fifteen thousand pounds and power to borrow on mortgage three thousand seven hundred and fifty pounds and were authorised to construct various tramways:

And whereas it is expedient that the Company should be authorised to abandon a portion of the tramway authorised by the Act of 1884 and to construct the additional tramways in this Act described:

And whereas it is expedient that the time limited by the Act of 1884 for the construction of so much of the tramways authorised by that Act as the Company are not by this Act authorised to abandon should be extended:

And whereas it is expedient that the Company on the one hand and the South-eastern Railway Company on the other hand should be empowered to enter into and carry into effect working and other agreements as herein-after provided:

And whereas it is expedient that the South-eastern Railway Company be authorised to subscribe and contribute to the capital of the Company:

And whereas plans and sections showing the situation lines and levels of the tramways authorised by this Act with a book of reference containing the names of the owners and lessees or reputed

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owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are herein-after referred to as the deposited plans sections and book of reference:

And whereas the purposes 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 as the Folkestone Sandgate and Hythe Tramways Act 1886:

Incorporation of general Acts.

2. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters:

The distribution of the capital of the Company into shares:

The transfer or transmission of shares:

The payment of subscriptions and the means of enforcing the payment of calls:

The forfeiture of shares for non-payment of calls:

The remedies of creditors of the Company against the shareholders:

The borrowing of money by the Company on mortgage:

The conversion of the borrowed money into capital:

The consolidation of the shares into stock:

The making of dividends:

The giving of notices:

And with respect to the provision to be made for affording access to the special Act by all parties interested:

And Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and section 3 (interpretation of terms) section 19 (local authority may lease and take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the word "contingencies" in the Companies Clauses Consolidation Act 1845 section one hundred and twenty-two 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 forty-three at a sum less than the aggregate amount of the capital and debts of the Company and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used was a simple contract debt and not a debt or demand created by statute the expressions "the tramway" and "the undertaking" mean respectively the tramways and works by this Act authorised and the undertaking of the Company.

Company may abandon portion of authorised tramway.

4. The Company shall abandon the construction of so much of the tramway authorised by the Act of 1884—

As lies between a point at the junction of the tramway firstly described in and authorised by the Act of 1884 with the tramway secondly described in and authorised by the said Act eighty-three yards or thereabouts eastward of the lifeboat house Seabrook in the parish of Cheriton and a point on the said firstly described tramway 550 yards eastward of Twiss Road in the parish of Newington.

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

5. The abandonment by the Company under the authority of this Act of the said portion of tramway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of taking levels or setting out the line of tramway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1884.

Compensation to be made in respect of portion of tramway abandoned.

6. When before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the authorised tramway or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or

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to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to make tramways.

7. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may make form lay down work use and maintain in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramways herein-after described with all proper rails plates works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as are mentioned or referred to in the Schedule A to this Act annexed as may be required for that purpose. The tramways lastly herein-before referred to and authorised by this Act are situate in the county of Kent and are:—

Tramway (No. 1) single line 6 furlongs 8·50 chains in length commencing in the approach road to the up side of the Hythe Station of the South-eastern Railway Company opposite to the southernmost corner of the building containing the booking-office crossing the Hythe and Sandgate Road over the Royal Military Canal and terminating on the northernmost side of the carriage road known as Prince's Road at a point opposite the eastern end of the Seabrook Hotel or thereabouts:

Tramway (No. 2) single line 1 mile 0 furlongs 8·86 chains in length commencing in the parish of Newington detached in the said Prince's Road by a junction with Tramway (No. 1) at a point 16 chains or thereabouts to the eastward of the Seabrook Hotel measured along the said road in an easterly direction from a point in the said road in a line with the eastern side of the said hotel passing along the said Prince's Road into the Hythe and Sandgate Road and terminating in that road in the parish of Cheriton at the junction with the tramway firstly described in the Act of 1884 at the point of junction of that tramway with the tramway secondly described in the Act of 1884:

Tramway (No. 3) of which 4 furlongs 1·25 chains will be single line and 1·75 chains double line commencing by a junction with the tramway firstly described in and authorised by the Act of 1884 at a point 67 yards or thereabouts westward of the entrance to the Sandgate Bathing Establishment passing along the Broadway or High Street Sandgate and terminating at a point in the said Broadway or High Street in line with the eastern side of the grounds of the National School Sandgate but notwithstanding anything in this Act or in the Act of 1884 contained the Company shall not without the consent in writing of the Right Honourable Jacob Earl of Radnor his heirs or assigns first obtained construct Tramway No. 3 by this Act authorised.

For protection of South-eastern Railway Company.

8. Nothing contained in this Act or in the Act of 1884 shall authorise the Company to enter upon take and use either temporarily or permanently for the purposes of the construction of the tramways authorised by this Act or by the Act of 1884 any lands or property belonging to the South-eastern Railway Company without the consent in writing of the said Company under their common seal.

Tramways not to be constructed during certain part of the year.

9. The Company shall not without the consent of the Sandgate Local Board of Health commence or continue any work or works for or in connexion with the laying down any tramway on any road or roads within the district of the said local board of health between the first day of June and the thirty-first day of October in any year and if any such work or works shall have been commenced prior to the first day of June and shall be in an incomplete state on that day the Company shall if required by the said local board forthwith restore the road or roads upon which any such work or works as aforesaid have been commenced and are then in an incomplete state to their former state and condition to the satisfaction of the surveyor to the said local board.

Correction of errors in deposited plans and book of reference.

10. If there be any omission misstatement 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 book of reference 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 Kent for the correction thereof and if it appears to the justices that the omission misstatement 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 misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Kent and a duplicate thereof shall also be deposited with

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the parish clerks of the several parishes in which the lands affected thereby are situate with whom the deposited plans and book of reference were deposited and such certificate and duplicate respectively shall be kept by the clerk of the peace and parish clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Application of money deposit made in respect of Act of 1884.

11. Notwithstanding the authority given to the Company by this Act to abandon a portion of the tramway authorised by the Act of 1884 the sum of five hundred pounds deposited on the application to Parliament for that Act shall be and remain impounded as security for the completion of the tramway authorised by this Act as well as for the completion of so much of the tramway authorised by the Act of 1884 as is not abandoned under the authority of this Act and sections 9 and 10 of the Act of 1884 shall apply to the said deposit fund as if the tramway authorised by this Act and the period limited for the completion thereof were respectively referred to in those sections in addition to the tramway by that Act authorised (except so much as is by this Act authorised to be abandoned) and the period limited for the completion of such tramway respectively.

Restriction on displacing persons of labouring class.

12. The Company shall not under the powers of this Act or of any Act as extended by this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Extension of time limited by Act of 1884 for

13. The period limited by the Act of 1884 for the completion of the tramway by that Act authorised is hereby extended so far as it affects the portion of the authorised tramway which is not by this Act authorised to be abandoned and shall continue in force

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until the thirty-first day of May one thousand eight hundred and eighty-eight and section 46 of the Act of 1884 shall be read as if the period thereby limited for the completion of the tramway was the extended period limited by this Act. If the portion of the tramway authorised by the Act of 1884 and not abandoned under the powers of this Act is not completed within the period limited by this Act then on the expiration of that period the powers granted to the Company by the Act of 1884 and this Act in relation thereto shall cease except as to so much of the said tramway as shall then be completed.

completion of works.

Power to apply existing funds.

14. The Company may apply towards any of the purposes of this Act to which capital is properly applicable any moneys which they are authorised to raise under any other Act or Acts and which may not be required for the purposes to which by the respective Acts such moneys are made applicable.

Period for compulsory purchase of lands.

15. The powers of the Company for the compulsory purchase of lands under this Act shall not be exercised after the expiration of one year from the passing of this Act.

Period for completion of works.

16. If the tramway and works authorised by this Act are not completed within two years from the passing of this Act the powers hereby granted to the Company for making the same shall cease except as to so much thereof as shall then be completed.

Purchase of land by agreement.

17. The Company may from time to time purchase and acquire (by agreement) such land as they may require for their undertaking not exceeding two acres.

Power to take easements &c. by agreement.

18. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Applying provisions of Act of 1884 as to tolls &c.

19. The tramway by this Act authorised shall for the purposes of tolls and charges and for all other purposes be deemed to be part of the tramway authorised by the Act of 1884 and clause 44 of that Act (periodical revision of tolls) shall apply thereto.

Cheap fares for labouring classes.

20. The Company at all times after the opening for public traffic of the tramway authorised by this Act and the Act of 1884 or any

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part or parts thereof shall and they are hereby required to run at least one carriage or more if required 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 artizans mechanics and daily labourers at such fares as may be from time to time fixed by the Board of Trade: 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.

Carrying of mails by Company.

21. (1.) The Company if required by the Postmaster General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster General from time to time requires provided as follows:

(A.) Nothing in this section shall authorise the Postmaster General to require mails in excess of the following weights to be carried by the Company in or upon any carriage (that is to say):—

(I.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(II.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(III.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater:

(B.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with:

(C.) Nothing in this section shall authorise the Postmaster General to require any mails to be carried by the Company in or upon

a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger:

(D.) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

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

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster General may be signified by writing under the hand of any person who is at the time either such Postmaster General or a secretary or assistant secretary of the Post Office or the Inspector General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Further provisions as to construction of tramway.

22. 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 and renewing the tramway lay before the Board of Trade and the Sandgate Local Board of Health a plan showing the proposed mode of constructing laying down maintaining and renewing such tramway and a statement of the materials intended to be used therein and the Company shall not commence the constructing laying down maintenance and renewal of the tramway or part of the tramway except for the purpose of necessary repairs 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

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road authority as provided by section twenty-six of the said Act. The words "reasonable expenses" mentioned in the said section shall include the costs of any inquiry or survey necessarily held or made on behalf of the Sandgate Local Board of Health in respect of the execution of any works under the authority of this Act.

As to rails of tramway.

23. The rails of the tramway shall be such as the Board of Trade may approve.

Inspection by Board of Trade.

24. The tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Tramway to be kept on level of surface of road.

25. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramway is 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.

Penalty for not maintaining rails and roads.

26. 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 tramway by this Act authorised and of all other tramways of 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 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. The tramways of the Company for the purposes of this section shall include any tramways purchased by the Company or taken on lease by them during the continuance of any such lease. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramway or any portion thereof 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.

Sanitary authority to have access to sewers.

27. Every sanitary road or sewer 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 sanitary road or sewer authority as if the same were a pipe for the supply of gas or water.

Company may be required to use improved form of rail.

28. 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 tramway 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 any such improvements.

Additional crossings passing places &c. may be made where necessary.

29. The Company may subject to the provisions of this Act with the consent of the 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 tramway or for providing access to any warehouses stables 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 it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Temporary tramways may be made when necessary.

30. When by reason of the execution of any work affecting the surface or soil of the road along which the tramway is 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 may with the consent of the road authority subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in 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

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part of the tramway so removed or discontinued. If any difference arises between the Company and any 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 thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

31. Any paving metalling or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority 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 the completion of the tramway within the district of such road authority of so much of the roadway on either side of such tramway 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 such paving metalling or material and notice duly given such surplus is not removed by such 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 promoters and any road authority.

Carriages may be moved by animal or mechanical power.

32. The carriages used on the tramway 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 same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board by mechanical power other than steam power: Provided always that the exercise of the powers hereby conferred with respect to the use of mechanical power shall be subject to the regulations set forth in Schedule B 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 mechanical power on the tramway: Provided also that no locomotive power other than horse power or electric power shall be used upon that portion of the tramway within the district of the Sandgate Local Board of Health unless and until the said board shall by resolution under their common seal approve of the particular form of locomotive power proposed to be used. A.D. 1886.

Penalty for using mechanical power contrary to order or regulations.

33. The Company or any other company or person using mechanical power on the tramway contrary to the provisions of this Act or to any of the regulations set forth in Schedule B 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 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 other company or person using mechanical power on the tramway 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 Schedule B 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 other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other 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.

34. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to the tramway upon which 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 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

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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 tramway 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 tramway by exhibition of the same in conspicuous places on the carriages and elsewhere.

Penalty for breach of byelaws.

35. 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.

36. 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.

37. 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 carriages are to be driven or propelled on the tramway under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

As to orders and byelaws made by the Board of Trade.

38. 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 mechanical power is to be used.

39. Where the Company or any other company or person intend to use mechanical power under the authority of this Act on the tramway or any part thereof they or he shall give two months previous notice of such intention to every road authority within whose district the tramway or any part thereof upon which they or he intend to use such power is situated.

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 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

tramway or such part of such tramway 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 mechanical power upon such tramway or such part thereof be determined and of no effect.

Before using mechanical power on the tramway 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 tramway or such part of such tramway 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 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

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Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company 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 tramway to which such appeal relates.

No mechanical power shall be used on the tramway or any portion of the tramway unless there is in force in relation to the tramway or such portion of the tramway 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 tramway is laid.

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

40. Where mechanical power is used by the Company or any other company or person on the tramway 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 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 tramway or such part of such tramway 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 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 modifications or a new contract agreement or arrangement may be made instead thereof.

Power to enter into arrangements with the South-eastern Railway Company.

41. The Company on the one hand and the South-eastern Railway Company on the other hand may from time to time enter into and carry into effect and rescind contracts agreements and arrangements with respect to the following purposes or any of them (that is to say):—

The working use management and maintenance by the South-eastern Railway Company of the tramways and works of the Company or any part or parts thereof:

The supply and maintenance under any agreement for the tramways of the Company being worked and used by the South-eastern Railway Company of stock and plant necessary for the purposes of such agreement and the employment of officers and servants:

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the Company:

The fixing collection payment appropriation apportionment and distribution of the tolls rates income and profits arising from the tramways and works of the Company or any part thereof:

And all incidental matters:

Provided always that no contract or arrangement under this section shall have any effect until the same has been approved by the Board of Trade.

South-eastern Railway Company may contribute towards undertaking and may apply moneys for those purposes.

42. The South-eastern Railway Company may from time to time pay to the Company by way of subscription to the undertaking of the Company any sums of money which they respectively think fit not exceeding ten thousand pounds and may from time to time take and hold shares or stock in the capital of the Company to that amount and for the purposes of any such subscription may from time to time apply any moneys for the time being in their hands and not by any Act or Acts made specially applicable to any particular purpose or being so made applicable not being required for the particular purpose: Provided always that the South-eastern Railway Company shall not sell transfer or dispose of any shares stock mortgages or debenture stock held by them in respect of the moneys subscribed by them under the powers contained in this section.

Provision for protection of the Postmaster General.

43. In the event of the tramways of the Company being worked by electricity the following provisions shall have effect:

(1.) It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster

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General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work:

(2.) Any difference which arises between the Postmaster General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

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

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

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

(6.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

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

44. 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 said Company.

Company not exempt from provisions of present or future general Tramway Acts.

45. Nothing in this Act contained shall exempt the Company or the South-eastern Railway Company or the tramway 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 or any Act relating to the Company or to the South-eastern Railway Company.

Costs of Act.

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

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The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Parish.	No. on deposited Plans.
Tramway No. 1.	
Newington (detached) - - -	1 2 3 4 5 6 7 8 9
Tramway No. 2.	
Newington (detached) - - -	1
Cheriton - - - - -	1 2 3 4
Tramway No. 3.	
Cheriton - - - - -	1 2
Folkestone - - - - -	1

SCHEDULE B.

Break power. The mechanical power used on the tramway shall be fitted with such mechanical appliances for preventing the same from operating and for bringing such mechanical power and any carriage drawn or propelled by such mechanical power 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 tramway shall have its number shown in some conspicuous part thereof and shall be fitted

With an indicator by means of which the speed shall b 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 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 tramway 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 the protection of passengers 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 tramway and may on complaint made by any person from time to time inspect any engine or carriage

used on or in connexion with the tramway 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 the tramway.

As to speed.

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

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

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