CHAPTER lxxxviii.

An Act to confer further powers upon the Folkestone Sandgate and Hythe Tramways Company and for other purposes. [26th July 1889.] A.D. 1889.

WHEREAS it is expedient that the Folkestone Sandgate and Hythe Tramways Company (herein-after called "the Company") should be authorised to extend their authorised tramways as by this Act provided:

And whereas it is expedient that the time limited for the completion of the Tramway No. 3 authorised by the Folkestone Sandgate and Hythe Tramways Act 1886 should be extended:

And whereas it is expedient that other provisions such as are in this Act contained be made with reference to the undertaking of the Company:

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

1. This Act may be cited as the Folkestone Sandgate and Hythe Tramways Act 1889. Short title.

A.D. 1889.

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 borrowed money into capital :

The consolidation of 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 122 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act 1870 section 43 at a sum less than the aggregate amount of the capital and debts of the Company And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any like expression in this Act or in any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute The expressions "the tramways" and "the undertaking" mean respectively the tramways and works by this Act authorised and the undertaking of the Company.

A.D. 1889.

Power to make tramways.

4. 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 the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference and therein numbered 1 as may be required for that purpose The tramways herein-before referred to and authorised by this Act will be situate wholly in the parish of Saint Leonard Hythe in the county of Kent and are as follows :—

Tramway (No. 1) 1 mile and 9·27 chains in length of which 1 mile and 7·18 chains will be single line and 2·09 chains double line commencing in the Prince's Road by a junction with the Tramway No. 1 authorised by the Folkestone Sandgate and Hythe Tramways Act 1886 at its authorised termination opposite the Seabrook Hotel passing thence in a westerly direction to and terminating in the Military Road at a point opposite the western side of the main entrance to the School of Musketry :

Tramway (No. 2) 6 furlongs 8 chains in length of which 6 furlongs 5·91 chains will be singie line and 2·09 chains double line commencing by a junction with Tramway No. 1 by this Act authorised at its termination as herein-before described and terminating in the Dymchurch Road at or near a point 16 yards or thereabouts westward of the eastern corner of the property numbered 121 on the Ordnance map (scale $\frac{1}{2500}$) of the said parish of Saint Leonard Hythe.

For the protection of the South-eastern Railway Company.

5. For the protection of the South-eastern Railway Company the following provisions shall apply (that is to say) :—

Nothing contained in this Act shall authorise the Company to enter upon take and use either temporarily or permanently for the purpose of the construction of the tramways or either of them by this Act authorised any lands or property belonging to the South-eastern Railway Company without the consent in writing of the said Company under their common seal first had and obtained and in any case the Company shall not acquire any estate or interest other than an easement or right of constructing or maintaining thereon the Tramway (No. 1) by this Act authorised.

A.D. 1889.

Making applicable for the purposes of this Act certain provisions of the Folkestone Sandgate and Hythe Tramways Act 1886.

6. The following sections of the Folkestone Sandgate and Hythe Tramways Act 1886 (that is to say):—

Section 10 (correction of errors in deposited plans and book of reference):

Section 21 (carrying of mails by the Company):

Section 26 (penalty for not maintaining rails and roads):

Section 27 (sanitary authority to have access to sewers):

Section 28 (Company may be required to use improved form of rail): and

Section 43 (provision for protection of the Postmaster-General):

are hereby severally extended and made applicable to the tramways and works by this Act authorised and to the Company as fully and effectually and in the same manner in all respects as if those sections respectively were repeated in this Act.

Further provisions as to construction of tramways.

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

As to rails of tramways.

8. The rails of the tramways by this Act authorised shall be such as the Board of Trade may approve in respect of the tramways of the Company already authorised and notwithstanding anything to the contrary in this Act or in the Folkestone Sandgate and Hythe Tramways Acts 1884 and 1886 respectively or in the Tramways Act 1870 contained the Company may with the consent of the Board of Trade lay the rails of the Tramways Nos. 1 and 2 authorised by the Act of 1886 so far as such tramways respectively are situate on private lands and roads of the South-eastern Railway Company in such manner and under and subject to such conditions as the Board of Trade may approve or require.

Inspection by Board of Trade.

9. 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.

Tramways to be kept on level of surface of road.

10. 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 tramways 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.

Temporary tramways may be made where necessary.

11. Where by reason of the execution of any work affecting the surface or soil of any road along which any tramway authorised by this Act 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 local authority subject to such conditions and in accordance in all respects with such regulations as the said 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 part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

12. Any paving metalling or material excavated by the Company in the construction of the tramways 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 construction of the said tramways or 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 by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given 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

A.D. 1889.

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.

Power to make additional crossings &c.

13. 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 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 ten feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under his or their hand or hands addressed to the Company express his or their objection thereto.

Purchase of lands by agreement.

14. In addition to the other lands and houses which the Company are by this Act or by any previous Act authorised to purchase or acquire they may from time to time purchase or acquire by agreement any lands not exceeding in the whole two acres and may erect and hold offices buildings and other conveniences on any such lands Nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them on any land purchased or acquired under the powers of this section.

Power to take easements &c. by agreement.

15. 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.

Company may carry goods and other things.

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

A.D. 1889.

Tolls for goods &c.

17. The Company may demand and take in respect of any goods materials articles or things conveyed by them on the tramways including the tolls for the use of such tramways and for waggons trucks and motive power and every other expense incidental to the conveyance any tolls or charges not exceeding the rates per mile following :—

GOODS.

For all coals coke culm charcoal 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 twopence per ton :

For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones 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 chairs twopence halfpenny per ton :

For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings threepence per ton :

For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein fourpence per ton :

For every carriage of whatever description one shilling.

SMALL PACKAGES.

For any parcel not exceeding seven pounds in weight threepence :

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence :

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence :

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

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Company may think fit :

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

A.D. 1889.

For the carriage of single articles of great weight:—

For the carriage of any iron 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 shall exceed four tons but shall not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton per mile:

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

REGULATIONS AS TO TOLLS.

Regulations as to tolls on tramways.

18. For goods minerals 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:

For the 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 usual 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 on 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.

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

19. The tramways shall except as by this Act otherwise provided be deemed to be part of the tramways authorised by the Act of 1884 and the several provisions of that Act relating to tolls and charges except so far as may be inconsistent with any of the provisions of this Act or any Act or part of an Act incorporated herewith are incorporated with and form part of this Act.

Heavy traffic confined to certain hours.

20. No goods articles or things other than passengers and passengers luggage and parcels not exceeding fifty-six 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 nor shall any carriages trucks or waggons constructed for use upon a railroad be permitted to pass along the tramways between the same hours without such consent.

Cheap fares for labouring classes.

21. 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 (Sundays Christmas Day and Good Friday excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Company think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Periodical revision of tolls.

22. 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 partially 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 that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

Deposit money not to be repaid until line opened.

23. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of three hundred and forty-nine pounds equal to five per cent. upon the amount of the estimate

A.D. 1889.

of expense in respect of the tramways has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the 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 hereby authorised the High Court of Justice in England shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the abovementioned Act to the contrary notwithstanding.

Application of deposit.

24. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open 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 shall be applicable and after due notice in the "London Gazette" be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and also in compensating all road authorities 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 authorities respectively

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 High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks 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 has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on application of the depositors.

Restriction on taking houses of labouring class.

25. The Company shall not under the powers of 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 fifteenth 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 artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Company may use carriages adapted for use on railways &c.

26. Subject to the provisions of this Act the Company may use upon the tramways carriages or trucks adapted for use upon railways and notwithstanding anything in the Tramways Act 1870 contained to the contrary such carriages or trucks or any engines used on the

A.D. 1889.

tramways may extend for but shall not extend more than twenty-two inches beyond the outer edge of the rail of the tramway on either side.

Making applicable to Tramway No. 1 authorised by the Act of 1886 certain provisions of this Act relating to carriage of goods &c. and use of railway trucks on tramways.

27. Whereas the tramways by this Act authorised will by means of the Tramway No. 1 authorised by the Act of 1886 form a continuous communication with the South-eastern Railway at Hythe and it is expedient to authorise the Company to carry goods over the said Tramway No. 1 in this section referred to and to use thereon carriages adapted for use on railways Therefore the following sections of this Act (that is to say) :—

Section 16. (Company may carry goods and other things) ;
Section 17. (Tolls for goods &c.) ;
Section 18. (Regulations as to tolls on tramways) ;
Section 19. (Applying provisions of Act of 1884 as to tolls &c.) ;
Section 20. (Heavy traffic confined to certain hours) ;
Section 26. (Company may use carriages adapted for use on railways &c.) :

shall in all respects extend and be applicable to the Tramway No. 1 authorised by the Act of 1886 and to the Company in respect thereof.

Carriages may be moved by animal steam or mechanical power.

28. Notwithstanding anything to the contrary contained in the Folkestone Sandgate and Hythe Tramways Act 1888 the carriages used on the tramways by this Act authorised and on the Tramway No 2 authorised by the Folkestone Sandgate and Hythe Tramways Act 1886 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 steam electric or any mechanical power Provided that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical or electric power on the tramways. Provided also that no locomotive power other than horse power or electric power shall be used upon the said tramways unless and until the

authority having the control of the roads within the district of the urban sanitary authority for the district of Hythe shall by resolution under their common seal approve of the particular form of motive power proposed to be used.

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

29. The Company or any other company or person using steam or any mechanical or electric 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 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 after conviction thereof Provided that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other person using steam or any mechanical or electric power on the tramways 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 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.

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

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

Where at the time of the giving of any such notice any contract agreement or 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 tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation

A.D. 1889.

to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such other company or person by such notice or for such road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam electric or any mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using steam electric or any mechanical power on the tramways or any part thereof and thereafter from time to time the Company or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is 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 arise between any such road authority and the Company or such other company or person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Company or such other company or person or the Company or such other company or person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the 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 that while any such appeal is pending the Board of Trade may order that no steam electric or mechanical power shall be used on the tramways to which such appeal relates.

No steam electric or mechanical power shall be used on the tramways by this Act authorised or on the Tramway No. 2 authorised by the Folkestone Sandgate and Hythe Tramways Act 1886 or on any portion of those tramways respectively unless there be in force in relation to such 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 to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramways are laid.

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

31. Where steam electric or any mechanical power is used by the Company or any other company or person on the tramways by this Act authorised or on the Tramway No. 2 authorised by the Folkestone Sandgate and Hythe Tramways Act 1886 or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam electric or mechanical power as aforesaid with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam electric or mechanical power as aforesaid or the making of such contract agreement or arrangement Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

Byelaws.

32. 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 any of the tramways upon which steam electric or any mechanical power may be used under the

A.D. 1889.

authority of this Act for all or any of the following purposes (that is to say):—

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

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

For providing that engines or carriages containing and moved by mechanical power 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 of any engine 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.

Amendment of the Tramways Act 1870 as to byelaws by local authority.

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

Orders and byelaws.

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

Power to raise additional capital.

35. The Company may from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue of new ordinary or preference shares or new ordinary or preference stock or (at the option of the Company) by either of those modes any further capital not exceeding in the whole seven thousand pounds.

Shares not to be issued until one fifth paid.

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

Calls.

37. 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 fourths 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 persons not sui juris.

38. If any money be payable to a shareholder or mortgagee 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.

39. In addition to any sum which by any other Act or Acts the Company are authorised to borrow they may in respect of the additional capital of seven thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any further sum or sums not exceeding in the whole two thousand three hundred pounds but no part thereof shall be borrowed until the shares for so much of the said additional capital as is to be raised by means of shares are 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 shares for the whole of such capital have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such 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 certificate shall be sufficient evidence thereof.

Company not to create debenture stock.

40. The Company shall not create debenture stock in respect of any money authorised to be borrowed under this Act.

Mortgage to comprise purchase

41. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the

A.D. 1889.

money paid on compulsory sale.

Company in the event of a compulsory sale to the 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.

Endorsement of notice of power of future purchase by the local authority.

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

Existing mortgages to have priority.

43. All mortgages granted by the Company before the passing of this Act in pursuance of the powers of any Act or Acts and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act.

Money borrowed on mortgage to have priority.

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

Application of moneys.

45. All moneys raised under this Act whether by shares stock or borrowing shall be applied for the purposes of this Act and to other the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Power to apply existing funds.

46. 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.

Time for completion of works.

47. 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 for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Extension of time for completion of tramway.

48. The period limited by the Act of 1886 (section 16) for the completion of Tramway No. 3 by that Act authorised is hereby

extended for a period of one year from the twenty-fifth day of June one thousand eight hundred and eighty-nine.

Interest not to be paid on calls paid up.

49. 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 but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of 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.

50. 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.

Provision as to general Tramway Acts.

51. Nothing in this Act contained shall exempt the Company or the tramways of the Company 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 and charges authorised by this or any Act relating to the Company.

Costs of Act.

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

A.D. 1889.

The SCHEDULE referred to in the foregoing Act.

Break power. Every engine or carriage containing and moved by mechanical power used on the tramways shall be fitted with such mechanical appliances for preventing the same from operating and for bringing such engine 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 engine and every carriage used on the tramways without an engine 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 so placed in front of such engine or carriage as to command the fullest possible view of the road before him.

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

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 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 tramways and may on complaint made by any person from time to time inspect any engine or carriage used on or in connexion 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 the tramways.

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

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

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