CHAPTER cxciii.

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An Act for authorising the Ramsgate and Margate Tramways Company to abandon the construction of a portion of their authorised undertaking to extend the time for constructing the remainder of their undertaking and for other purposes. [10th August 1882.]

WHEREAS the Ramsgate and Margate Tramways Company (herein-after referred to as "the Company") were incorporated by the Ramsgate and Margate Tramways Act 1879 with a share capital of forty-five thousand pounds and with power to borrow on mortgage any sums not exceeding eleven thousand pounds and were authorised to construct certain tramways in the parishes or places of Margate Saint Lawrence Saint Peter's and Saint John-the-Baptist in the Isle of Thanet in the county of Kent to be worked by animal power only; 42 & 43 Vict. c. ccxi.

And whereas by the Ramsgate and Margate Tramways Act 1880 the Company were empowered to construct certain additional tramways in the parishes or places of Margate Saint Lawrence Saint Peter's and Saint John-the-Baptist and to raise additional share capital not exceeding forty thousand pounds and with power to borrow on mortgage any further sums not exceeding ten thousand pounds and to work their undertaking by steam or other mechanical or motive power;

And whereas the Company have not exercised the powers of borrowing conferred by the said Acts or either of them and it is expedient that the provisions of the said Acts with respect to borrowing on mortgage be amended as herein-after provided.

And whereas the construction of certain portions of the undertaking authorised by the Ramsgate and Margate Tramways Act 1879 will be rendered unnecessary by the construction of certain of the tramways authorised by the Ramsgate and Margate Tramways Act 1880 and it is expedient that the Company be authorised to abandon the construction of such portions of their undertaking 43 & 44 Vict. c. cxcii.

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authorised by the said Act of 1879 and also certain of the tramways authorised by the said Act of 1880 which are no longer necessary for the purposes of their undertaking;

And whereas the Company have not entered upon taken acquired interfered with or given any notice in respect of any of the lands which they were empowered to take or use for constructing the portion of their undertaking by this Act authorised to be abandoned;

And whereas it is expedient that all the tramways of the Company be laid on a gauge of three feet and six inches instead of a gauge of two feet six inches and a half as prescribed by the said Acts;

And whereas it is expedient that the times respectively limited by the said Acts for the construction of the tramways and works by the said Acts authorised and for the compulsory purchase of lands for the purposes thereof be extended;

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

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

Short title.

1. This Act may be cited for all purposes as the Ramsgate and Margate Tramways Act 1882.

This Act and recited Acts to be read together.

2. The recited Acts as varied or amended by any subsequent Act shall be read together with this Act as one Act.

Incorporation of Act. 8 & 9 Vict. c. 16.

3. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the borrowing of money by the Company on mortgage or bond and with respect to the conversion of borrowed money into capital so far as they are applicable to and are not varied by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

Interpretation

4. In this Act the several words and expressions to which meanings are assigned by the Act in part incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the Act of 1879" means the Ramsgate and Margate Tramways Act 1879;

The expression "the Act of 1880" means the Ramsgate and Margate Tramways Act 1880;

The expression "the recited Acts" means the Act of 1879 as amended by the Act of 1880 and the Act of 1880 together;

For the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act and in any Act wholly or in part 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.

Repeal of provisions of recited Acts with respect to borrowing.

5. Sections fourteen to nineteen of the Act of 1879 both inclusive and sections thirteen to seventeen of the Act of 1880 both inclusive with respect to the borrowing of money by the Company are hereby repealed.

Power to borrow *in* respect of authorised capital.

6. The Company may from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole twenty-one thousand pounds and they may when and so soon as they have issued twenty-five thousand pounds of capital borrow on mortgage any sum not exceeding six thousand pounds and they may borrow a further sum of five thousand pounds in respect of each additional twenty thousand pounds of capital issued by them but no part of any such sums of six thousand pounds or five thousand pounds respectively shall be borrowed until the whole of the respective portion of capital in respect of which the same is authorised to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under section forty of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

7. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to

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authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than six hundred pounds in the whole.

Company not to create debenture stock.

8. The Company shall not create debenture stock.

Short title of Act to be marked on mortgage.

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

Mortgage to comprise purchase money paid on compulsory sale. 33 & 34 Vict. c. 78.

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

Indorsement of notice of power of future purchase by local authorities.

11. Every mortgage deed granted by the Company shall be endorsed with notice that such mortgage will not be a charge upon the tramways or the undertaking or any part thereof respectively comprised in any compulsory sale to any local authority under section forty-three of the Tramways Act 1870.

Priority of mortgages.

12. All moneys to be borrowed by the Company on mortgage shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them.

Application of moneys.

13. All moneys raised under the recited Acts or this Act whether by shares or borrowing shall be applied to the purposes of the said Acts only.

Extending the period for completion of authorised works.

14. The tramways and works by the recited Acts authorised may and shall be constructed and completed within one year from the passing of this Act and on the expiration of that period the powers by the recited Acts granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

For abandonment of parts of authorised tramways.

15. The Company may and shall abandon the construction of the tramways and portion of tramway next herein-after mentioned or described that is to say—

So much of Tramway No. 1 authorised by the Act of 1879 as is situate between the points of commencement of Tramway No. 6 authorised by the Act of 1880 and its termination.

Tramway No. 4 authorised by the Act of 1879.

Tramway No. 1c authorised by the Act of 1879.

Tramway No. 7 and Tramway No. 8 authorised by the Act of 1880;

and the works connected with the said portion of tramway and tramways respectively and the powers conferred by the recited Acts for the purchase and taking of lands by compulsion for the purposes of the said tramways portion of tramway and works hereby authorised to be abandoned are hereby rescinded and on and after the passing of this Act the Company shall be absolutely freed from all obligations with respect to or consequent on the constructing and maintaining of the said portion of tramway tramways and works.

Providing for release of parts of deposit funds.

16. Whereas the sum of two hundred and eighty-two pounds represents the portion of the deposit fund mentioned in section twenty-seven of the Act of 1879 applicable in respect of the portion of tramway and tramways by the Act of 1879 authorised to be constructed and by this Act authorised to be abandoned and the sum of fifty-five pounds and ten shillings represents the portion of the deposit fund mentioned in section twenty of the Act of 1880 applicable in respect of the tramways authorised to be constructed by the Act of 1880 and by this Act authorised to be abandoned therefore be it enacted that the High Court of Justice (Chancery Division) may and shall at any time after the passing of this Act on application as regards the said sum of two hundred and eighty-two pounds by the persons referred to as "the depositors" in section twenty-seven of the Act of 1879 and as regards the sum of fifty-five pounds and ten shillings by the persons referred to as "the depositors" in section twenty of the Act of 1880 by a petition or petitions in a summary way order that the said sums of two hundred and eighty-two pounds and fifty-five pounds and ten shillings respectively together with any dividends or interest due and payable thereon may be transferred or paid to the said depositors respectively or to the person or persons whom they may respectively appoint in that behalf and upon such order or orders being made the said sums and dividends or interest respectively shall be transferred or paid accordingly.

Altering gauge of tramways.

17. Notwithstanding anything contained in the recited Acts or either of them the Company may construct and maintain the tramways by the recited Acts authorised on a gauge of three feet six inches and so much of section 19 of the Act of 1880 as requires the tramways of the Company to be constructed on a gauge of two feet six inches and a half is hereby repealed.

Extending period for compulsory

18. The period limited by the recited Acts for the compulsory purchase and taking of the lands specified and set forth in the

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purchase of lands.

schedule to this Act annexed for the purposes of the said Acts are respectively extended to and the powers conferred in that behalf may be exercised within one year after the passing of this Act.

For the protection of the Ramsgate Improvement Commissioners.

19. For the protection of the Ramsgate Improvement Commissioners (herein-after referred to as the commissioners) the following provisions shall have effect that is to say :—

(a) Notwithstanding anything to the contrary contained in this Act or in the recited Acts or either of them the Company shall not without the previous consent in writing of the commissioners under their common seal construct any portion of their authorised tramways beyond the northerly side of Victoria Road in the parish of Ramsgate in a southerly direction and the Company shall construct a single line of tramway only between the northerly side of Trinity Place and the northerly side of Victoria Road aforesaid provided always that if the said consent is withheld the Company shall be relieved from the forfeiture imposed by sections 20 and 21 of the Act of 1880 for failure to complete and open the said portion of tramways.

(b) If the Company in the next session of Parliament apply for a Bill or provisional order for powers to abandon the Tramways No. 1 No. 2 and No. 3 being the whole of tramways south-west of the Victoria Road authorised by the Act of 1880 and for powers to construct in lieu thereof a tramway or tramways extending from the tramway in the Hereson Road at or near the Victoria Road and passing thence through and along the Boundary Road and Hardres Street respectively and terminating in Hardres Street at a point fifteen yards to the north-east of the junction of that street with High Street then the commissioners shall not oppose such Bill or provisional order except upon clauses provided that the said Bill or provisional order as first deposited in Parliament or the Board of Trade (as the case may be) shall contain all proper clauses and provisions for enabling and requiring the Company before proceeding to construct any part of such tramway or tramways at their own expense in all things to acquire the necessary property for permanently widening and to widen the following road and street such clauses and provisions in case of difference to be settled by Robert O'Hara barrister-at-law.

(1) The Boundary Road to a minimum width of forty feet from its junction with the Hereson Road to where the said Boundary Road is now of a width of forty feet including footways such widening to be effected on the north-easterly side of the said road.

(2) Hardres Street to a minimum width of twenty-four feet from its junction with the Boundary Road to where Hardres Street is now of the width of twenty-four feet including footways such widening to be effected on the south-easterly side of the said street.

(c) The several widenings in this section mentioned shall in all things be made formed executed paved channelled and completed to the reasonable satisfaction of the commissioners to be expressed by them in writing under their common seal and the commissioners shall give their consent to the introduction of such Bill into Parliament or to a provisional order for effecting the said objects.

(d) The Company shall at their expense pave with such materials and in such manner as the surveyor of the commissioners shall direct and at all times so long as the Company shall use the same maintain and keep in good repair the whole width of so much of the carriageway of the Boundary Road as the said tramways shall traverse and the whole length of Hardres Street such paving maintenance and repair to be executed from time to time to the reasonable satisfaction of the surveyor for the time being of the commissioners.

(e) Save as in this Act is expressly provided nothing herein contained shall repeal take away alter or affect any provision in either of the recited Acts contained for the protection and benefit of the commissioners nor any provision with reference to the construction maintenance or working of the tramways or any of them within the district of the commissioners.

Tramways not exempt from provisions of present and future general Tramways Acts.

20. 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 or charges authorised to be taken by the Company.

Expenses of Acts

21. 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.

The SCHEDULE referred to in the foregoing Act.

Names of the Parishes in which the Properties are situate.	Numbers by which the Properties are distinguished on the deposited Plans of the Act of 1879.
Saint Peter's - - - - -	1 2.
Saint John-the-Baptist - - -	1 2 3 4 5 6 7 8 9 10.

Names of the Parishes in which the Properties are situate.	Numbers by which the Properties are distinguished on the deposited Plans of the Act of 1880.
Saint Lawrence - - - -	2A 3 4 5 6 6A 6B 6C 7 to 21 both inclusive 21B 21C 22 to 30 both inclusive 31A 31B 31C 32 33 34 35 to 47 both inclusive 49 to 53 both inclusive 53A 54 to 72 both inclusive.
Saint Peter the Apostle - - -	9 10 11 12 13.
Saint John-the-Baptist - -	4 5 6.

LONDON : Printed by GEORGE E. B. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1882.