CHAPTER cc.

An Act to authorise the mayor aldermen and citizens of the city of Rochester to construct tramways and street improvements and for other purposes. A.D. 1903.

[11th August 1903.]

WHEREAS it is expedient to empower the mayor aldermen and citizens of the city of Rochester (in this Act called "the Corporation") to construct maintain and work the tramways described in this Act and to confer upon the Corporation the powers in regard to tramways and light railways contained in this Act:

And whereas it is expedient to empower the Corporation to execute the street improvements described in this Act and to acquire lands for the purposes therein mentioned:

And whereas a Bill (in this Act called "the company's Bill") was introduced into Parliament by the Chatham and District Light Railways Company for the purpose (amongst others) of authorising the construction of certain tramways and a tramroad in the city and during the progress of the company's Bill and of the Bill for this Act through Parliament the powers in regard to the said tramways and tramroad were transferred from the company's Bill to the Bill for this Act:

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

	£	£
For the construction of the tramways authorised by this Act - - -	51,942	
For the provision and erection of posts standards brackets conductors and other apparatus works and conveniences for the purposes of the said tramways -	14,167	
		66,109

A.D. 1903.

	£	£
For the purchase of lands for the street improvements authorised by this Act -	66,508	
For the execution of the said street improvements - - - - -	3,380	
		69,888
For the purchase of land for the purposes of extending the depôt and stone-yard of the Corporation and of erecting slaughter-houses - - - - - - - - - -		4,560

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas an absolute majority of the whole number of the council at a meeting held on the first day of December one thousand nine hundred and two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Rochester and Chatham Journal a local newspaper published and circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the seventh day of January one thousand nine hundred and three being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the city by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines and levels of the works authorised by this Act (including the works which were proposed to be authorised by the company's Bill but in regard to which the powers were transferred to the Bill for this Act) and also books of reference 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 in this Act respectively referred to as the deposited plans sections and books of reference: A.D. 1903.

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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):—

PRELIMINARY.

1. This Act may be cited as the Rochester Corporation Tramways and Improvements Act 1903. Short title.

2. The following Acts and parts of Acts so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (namely):— Incorporation of general Acts.

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870.

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

"The Corporation" means the mayor aldermen and citizens of the city of Rochester;

"The city" means the city of Rochester;

"The council" means the council of the city;

"The town clerk" "the borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the town clerk the borough fund the borough rate the district fund and the general district rate of the city;

"The tramways" means the tramways and tramroad authorised by this Act;

"Mechanical power" includes steam electrical and every other motive power not being animal power;

"Engine" includes motor;

A.D. 1903.

"The tribunal" means the jury arbitrators umpire or other authority to whom any question of disputed compensation under this Act is referred;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation in Great Britain or of any other local authority as defined by section 34 of the Local Loans Act 1875 but does not include securities of the Corporation or annuity certificates rentcharges or securities payable to bearer;

"Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction.

CONSTRUCTION OF TRAMWAYS.

Power to make tramways.

4. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and except as hereinafter provided in all respects in accordance with those plans and sections with all proper rails plates junctions turn-tables turn-outs crossings passing-places posts poles brackets wires waiting-rooms stables carriage-houses sheds buildings engines works and conveniences connected therewith Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways hereinbefore referred to and authorised by this section will be situate in the city and are —

(A) Tramways shown on the plans deposited in respect of the Bill for this Act (namely):—

Tramway No. 1 (2 miles 2 furlongs and 1·20 chains or thereabouts in length whereof 2 miles 1 furlong and 9·84 chains will be double line and 1·36 chains will be single line) commencing at the city boundary in London Road at a point opposite to the centre of the road leading to Brompton Farm passing along London Road

Strood Hill High Street Strood Rochester Bridge and High Street Rochester and terminating in the last mentioned street at the city boundary opposite to Saint Bartholomew's Church;

Tramway No. 2 (double line 5 furlongs and 3·9 chains or thereabouts in length) commencing by a junction with Tramway No. 1 at a point twenty-one feet or thereabouts from the south-east corner of the Angel Inn measured in a southerly direction passing along North Street and Frindsbury Road and terminating in the last-mentioned road at the city boundary opposite to the centre of Parsonage Lane:

(B) Tramways shown on the plans deposited in respect of the Company's Bill (namely):—

Tramway No. 11 (double line 7 chains or thereabouts in length) commencing by a junction with Tramway No. 1 in High Street passing along Star Hill and terminating therein at a point about eighty-eight yards south of the junction of the road leading to Orange Terrace with Star Hill;

Tramway No. 12 (double line 3 furlongs and 4·8 chains or thereabouts in length) commencing in Star Hill at the termination of Tramway No. 11 by this Act authorised and terminating in the New Road Rochester at the point at which the boundary between the parishes of St. Margaret Intra and Chatham crosses that road;

Part of Tramway No. 13 (double line 2·30 chains or thereabouts in length) commencing at the termination of Tramway No. 12 by this Act authorised and terminating in the New Road Rochester at the point at which the boundary of the city crosses that road;

Tramroad No. 17 (5 furlongs and 3·1 chains or thereabouts in length whereof 1 furlong 8·6 chains is intended to be laid along the carriage-way of streets or roads) commencing opposite to the White Horse public-house in Borstal Road and terminating in Maidstone Road at a point about one hundred and sixty yards measured in a southerly direction from the south boundary of St. Margaret's Cemetery;

Tramway No. 18 (7 furlongs and 2 chains or thereabouts in length whereof 3 furlongs 0·7 chain will be single line and 4 furlongs 1·3 chains will be double line) commencing in Maidstone Road by a junction with

A.D. 1903.

Tramroad No. 17 authorised by this Act at or about its termination and terminating in Star Hill aforesaid by a junction with Tramway No. 11 authorised by this Act at a point about ten yards measured in a northerly direction from the junction of the road leading to Orange Terrace with Star Hill aforesaid;

Tramway No. 18a (2·1 chains or thereabouts in length whereof 1·1 chains will be single line and 1 chain will be double line) commencing by a junction with Tramway No. 18 authorised by this Act in Victoria Street at a point about twenty yards measured in a south-westerly direction from the junction of that street with Star Hill aforesaid and terminating in Star Hill at a point about thirty-five yards measured in a northerly direction from the junction of Victoria Street and Star Hill aforesaid.

Street works to be made before tramways are opened for traffic.

5. Notwithstanding anything contained in this Act so much of Tramway No. 1 as will be situate in High Street Rochester between the commencement of Street Work No. 11 authorised by this Act and the junction of Ironmonger Lane with High Street shall not be opened for public traffic until Street Works Nos. 11 12 and 13 have been made nor until the roadway in front of the Royal Victoria and Bull Hotel has been widened to not less than twenty-two feet and so much of the tramways as will be situate in any part of a street the widening of which is authorised by this Act shall not be opened for public traffic until such part of the street has been widened to an extent not less than that shown on the deposited plans but this prohibition shall not apply to the part of Tramway No. 2 to be constructed in Frindsbury Road opposite to the premises numbered 57 58 and 59 on the deposited plans.

For protection of South Eastern Railway Company London Chatham and Dover Railway Company and South Eastern and Chatham Railway Companies' Managing Committee.

6. In constructing reconstructing altering and maintaining any of the tramways by this Act authorised where the same are intended to pass over any tunnel or under any bridge of the South Eastern Railway or the London Chatham and Dover Railway respectively or in laying down or altering any wire cable or apparatus in any road under any such bridge the following provisions for the protection of the South Eastern Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee (hereinafter together referred to as "the railway company") shall unless otherwise agreed apply and have effect (that is to say):—

(1) The Corporation shall not in any way alter or interfere with the structure of any tunnel of the railway company or

of any bridge carrying any railway of the railway company over any road and they shall so construct and maintain the tramways works and apparatus by this Act authorised over any such tunnel or under any such bridge as not injuriously to affect the same and according to plans sections and specifications to be previously submitted to and reasonably approved by the engineer of the railway company Provided that if such engineer do not within twenty-eight days after such submission signify his approval or disapproval of such plans sections and specifications he shall be deemed to have approved thereof and any difference which may arise between the Corporation and the railway company as to the reasonableness of their withholding such approval shall be determined by arbitration as hereinafter provided:

(2) In the event of any injury being caused to the structure of any tunnel bridge or other work belonging in whole or in part to the railway company or the approaches to any such bridge by the construction maintenance repairing use or removal of any of the said tramways works or apparatus by this Act authorised the railway company may at the reasonable expense of the Corporation and after giving to them not less than one month's notice except in cases of emergency restore the structure of such tunnel or bridge and approaches or the part or parts thereof respectively which shall be injured to as good a state and condition as the same were in before such injury was occasioned:

(3) The Corporation shall be responsible for and make good to the railway company all losses damages and expenses which may be occasioned to the railway company by or by reason of the execution or failure of any of the intended works or apparatus or by or by reason of any act or omission of the Corporation or their contractors or any person in the employ of either of them and the Corporation shall effectually indemnify the railway company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission:

(4) The Corporation shall on demand pay to the railway company the reasonable expense of the employment by them during the construction execution or repair by the Corporation of the tramway or any work or apparatus affecting any tunnel bridge or other work of the railway company of a sufficient number of inspectors watchmen and signalmen to be

A.D. 1903.

appointed by the railway company for preventing all interference obstruction danger and accident from any of the operations acts or defaults of the Corporation or their contractors or of any person in their employ but the appointment by the railway company of such inspectors watchmen and signalmen shall not in any way relieve the Corporation from the liabilities imposed upon them by this section:

(5) Whenever and so often as the railway company shall require under their existing powers to widen lengthen strengthen reconstruct alter or repair any such tunnel bridge or other work or the approaches to any bridge or to widen or alter their railways or to lift or support any such tunnel or bridge owing to the subsidence thereof and it shall be necessary for effecting any of such purposes that the working and user of any portion of the tramways by this Act authorised shall be wholly or partially stopped or delayed or that such portion of the said tramways should be temporarily diverted or be wholly or in part taken up or removed and the railway company shall (except in case of emergency) give to the Corporation seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal then the working and user of such portion of the tramways shall be stopped or delayed or the said tramways shall be diverted or taken up or removed accordingly and under the superintendence of the Corporation if they shall give such superintendence but only for so long as may be absolutely necessary for effecting such purposes and without the railway company being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage delay or diversion taking up or removal or in any way relating thereto:

(6) The Corporation shall not in any manner in the execution maintenance or repair of any of the tramways works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway belonging to or worked by the railway company or any traffic thereon:

(7) With respect to Tramway No. 1 where the same will pass in front of the entrances to the Rochester Bridge Rochester and Chatham central stations respectively of the railway company no cross-over siding junction or other work in connection with the said tramway not required by the Board of Trade shall be made for the distance thereon extending in

front of the said entrances to the said stations or for a length of thirty yards each way from such entrance and without the consent of the railway company under their common seal no vehicle or carriage used on those tramways shall be stopped or permitted to be stopped within such distance and lengths except for and only for so long as shall be absolutely necessary for the purpose of taking up and setting down passengers:

(8) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Attachment of brackets &c. to buildings" no brackets wires or apparatus shall without the consent in writing of the railway company under the hand of their secretary be affixed or attached to any bridge or station building belonging to or maintained or repairable by the railway company but such consent shall not be unreasonably withheld and if any question shall arise as to whether such consent is unreasonably withheld the same shall be determined by arbitration as hereinafter provided:

(9) Any matter in difference between the Corporation and the railway company under any of the provisions of this section shall be referred to an arbitrator to be appointed (unless otherwise agreed) by the Board of Trade on the application of either party.

As to construction of tramways opposite to 196 and 194 East Gate.

7.—(1) In the construction of the tramways opposite to the premises known as No. 196 East Gate no rail shall (except with the consent of the occupier of those premises) be laid so that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath.

(2) In the construction of the tramways opposite to that part of the premises known as No. 194 East Gate which extends for a distance of twelve feet from the easternmost boundary of those premises no rail shall (except with the consent of the occupier of those premises) be laid so that a less space than eight feet shall intervene between such rail and the outside of the footpath.

Gauge of tramways.

8. The tramways shall be constructed on a gauge of three feet six inches Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine used on the tramways shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Rails of tramways.

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

Plan of proposed mode of construction.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and 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.

Penalty for not maintaining rails and roads.

11.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways where laid along a road and the substructure upon which the same rest and if the Corporation 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 and to a daily penalty not exceeding five pounds.

(2) In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the city that the Corporation 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 Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of road.

12. 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 or authorised to be laid the Corporation 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.

Cross-overs to be constructed in certain cases.

13. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Alteration of tramways.

14. Subject to the provisions of this Act the Corporation may with the consent of the Board of Trade—

(1) Lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways either when constructing the tramways or at any time thereafter and construct or take up and reconstruct any of the tramways in such position in the road in which it is authorised to be constructed as they may think fit; and

(2) 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 for forming junctions with other tramways or light railways or for providing access to any warehouses stables or carriage-houses or works of the Corporation:

Provided that if in the construction of any works under this section any rail is intended to be so laid that a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid (except with the consent of the Board of Trade) if the owners or occupiers of one third of such premises by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

Temporary tramways may be made where necessary.

15. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Corporation necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may construct in the same or

A.D. 1903.

any adjacent road and 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.

Period for completion of works.

16. Such of the tramways as are proposed to be constructed in streets to be made widened or improved in pursuance of this Act shall be completed within two years after the making widening or improvement of such streets respectively and the remainder of the tramways shall be completed within five years from the passing of this Act and on the expiration of those periods respectively the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Inspection by Board of Trade.

17. 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.

For protection of Secretary of State for War.

18.—(1) Where any tramway constructed under this Act shall pass any land or building vested in or under the control of the Secretary of State for the War Department no crossing passing-place siding junction or other work opposite to such land or building shall be constructed until it shall have been approved by the said Secretary of State or by an officer acting on his behalf and if at any time it shall in the opinion of the said Secretary of State be desirable that such crossing passing-place siding junction or other work shall be altered or removed the Corporation or their lessees shall alter or remove it to the satisfaction of the Secretary of State within twenty-eight days from the time at which they are called upon to do so.

(2) The Corporation or their lessees shall not permit any of their engines or carriages to stop or stand upon their tramway opposite or near to the entrance to any lands or buildings vested in or under the control of His Majesty's Principal Secretary of State for the War Department in such manner as to interfere with access to or from such lands or buildings.

For protection of Post Office service.

19. Where the tramways are intended to be constructed along Rochester High Street and opposite to the head post office situated in that street the Corporation shall construct cross-overs connecting the one tramway with the other for the purpose of diverting the traffic from one tramway to the other whenever in the opinion of the Postmaster-General it is necessary to do so for the purpose of avoiding interference with the service of the Post Office and if at any

time it shall be found that the working of the tramways in the opinion of the Postmaster-General injuriously affects or interferes with such service the Corporation shall take such other steps as may be reasonably required by the Postmaster-General for avoiding such interference.

For protection of wardens &c. of Rochester Bridge.

20. For the protection of the wardens and commonalty of the new bridge of Rochester in the county of Kent (hereinafter called "the bridge authority") the following provisions shall apply except in so far as may be otherwise agreed between the bridge authority and the Corporation (that is to say):—

(1) The expression "road authority" and the word "road" in this Act include respectively the bridge authority and the new bridge of Rochester:

(2)—(A) Three weeks at least before commencing the execution of any works in along across or under the said bridge or the approaches thereto the Corporation shall serve upon the bridge authority a notice describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and particularly the construction of the supports for the conductors and their position on the said bridge and approaches and also the manner in which it is intended that the said bridge and the approaches thereto are to be interfered with and shall upon being required to do so by the bridge authority or their engineer from time to time give them or him any such further information in relation thereto as they or he may reasonably desire;

(B) The bridge authority may in their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove of the same and may give notice of such approval or disapproval to the Corporation;

(C) Where the bridge authority approve of any such works or plan subject to any amendments or conditions with which the Corporation are dissatisfied or disapprove of any such works or plan the matters in difference shall be referred to arbitration and the arbitrator on such reference may approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same;

A.D. 1903.

(d) If the bridge authority fail to give any such notice of approval or disapproval to the Corporation within three weeks after the service of the notice upon them they shall be deemed to have approved such works and plan;

(e) Notwithstanding anything in this Act the Corporation shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is deemed to have been approved by the bridge authority or by the arbitrator as above mentioned Such works shall be executed under the superintendence of the surveyor or engineer of the bridge authority if he think fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Corporation are hereby required to give and the Corporation shall pay on demand all reasonable expenses incurred by the bridge authority in connection with such superintendence and incidental to the approving and carrying out of the aforesaid works;

(f) If the Corporation make default in complying with any of the requirements or restrictions of this section they shall make full compensation to the bridge authority for any loss or damage which they may incur by reason thereof:

(3) If at any time hereafter the bridge authority are duly required to open the existing swingbridge or drawbridge for the passage through the same of seaborne vessels with fixed masts they shall be entitled so to do without making any compensation to the Corporation for any loss or damage which they may incur by reason thereof but the Corporation shall subject to the provisions of subsection (2) of this section be entitled to make such alterations of their works as may be rendered necessary in consequence of the opening of such swingbridge or drawbridge:

(4) Before any tramway upon the bridge is opened for traffic the Corporation shall pave with such materials as the bridge authority shall approve or reasonably require that portion of the roadway which lies eighteen inches outside the respective outer rails and also the portion between the tramways whether such tramways are laid at a distance of not more than four feet from each other or not and subject thereto the provisions of section 28 of the Tramways Act 1870 shall apply to such portions of the roadway Concurrently with

the laying of the tramways the portion of the roadway including the kerbs and channels not repairable by the Corporation shall if the bridge authority so desire be paved and maintained with such materials as they may direct by the Corporation and the bridge authority shall repay to the Corporation the net cost of such last-mentioned paving including the kerbs and channels:

(5) Nothing in this Act shall limit the powers (if any) of the bridge authority to stop and regulate the passage of traffic across the bridge and approaches whether the same be the traffic of the Corporation or of other persons and it shall be lawful for the bridge authority to require the Corporation to and thereupon the Corporation shall forthwith remove temporarily the tramways and works laid upon in across or under the said bridge and approaches or any part thereof whenever it is necessary so to do for the purpose of repairing the said bridge or approaches or making good any damage that may have been done to the same or to enable the bridge authority to exercise any of the powers and duties conferred upon them and the bridge authority shall not be liable to make any compensation to the Corporation for any loss or damage which they may suffer by reason of such temporary discontinuance of their tramways Provided that in the event of the Corporation neglecting or refusing to remove such tramways and works as aforesaid it shall be competent for the bridge authority to themselves do all acts and things necessary for removing such tramways and works Provided also that the bridge authority shall not for the purpose of this section interrupt or require the interruption of the traffic of both the lines of tramways laid upon the said bridge and approaches at one and the same time except in case of absolute necessity:

(6) Upon the said bridge and approaches the Corporation shall only employ such returns as may from time to time be approved of by the Board of Trade for use upon iron bridges:

(7) Any question by this section referred to arbitration and any other question which may arise between the bridge authority and the Corporation under the provisions of this section shall be determined by an engineer or other fit person to be appointed in default of agreement by the Board of Trade.

A.D. 1903.

For protection of Rochester Chatham and Strood Gas Light Company and of Brompton Chatham Gillingham and Rochester Waterworks Company.

21. In addition to any provisions contained in the Tramways Act 1870 for the protection and benefit of gas and water companies the following provisions shall apply and have effect for the protection of the Rochester Chatham and Strood Gas Light Company and of the Brompton Chatham Gillingham and Rochester Waterworks Company (each of whom is in this section referred to as "the protected company") (namely):—

(1) If by reason of any works to be executed by the Corporation in pursuance of the provisions of this Act any alterations are rendered necessary in the position of any mains pipes or apparatus belonging to the protected company such alterations shall if the protected company so desire be executed by the protected company at the reasonable expense of the Corporation and in that case the protected company shall within seven days of receiving notice from the Corporation of their intention to execute any such alterations give notice of the intention themselves to execute such alterations and shall commence and complete the same with all reasonable dispatch and in default of so doing the Corporation may carry out such alterations:

(2) The protected company shall not be responsible to the Corporation for any damage sustained by the Corporation in consequence of any road subsiding after the relaying of any main pipe or apparatus has been completed and the ground above the same filled in provided such work shall have been executed with all care and in a proper and workmanlike manner:

(3) Any difference which may arise between the Corporation and the protected company under this section shall be determined by an arbitrator to be appointed by the Board of Trade upon the application of either party.

Motive Power.

Motive power.

22. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for

securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power:

(3) The Corporation or any person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a daily penalty not exceeding five pounds:

(4) The Board of Trade if they are of opinion—

(A) That the Corporation or such person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Corporation or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electrical power.

23. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

A.D. 1903.

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) The expression "Corporation" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Corporation.

Alteration of telegraph lines of Postmaster-General.

24. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of Post Office telegraph lines.

25. In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect :—

(1)—(A) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein ;

(B) Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3)—(A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation 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 ;

A.D. 1903.

(b) Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations:

(5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation or their agents (as the case may be) 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:

(6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or execution of any work in respect of which the penalty is claimed 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:

(7) 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:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party 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 Corporation or their agents were a company within the meaning of that Act:

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:

(12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

For protection of telegraphic lines of War Department.

26. In the event of the carriages used on the tramways being moved by electrical power the following provisions shall have effect:—

If at any time it is established to the satisfaction of the Board of Trade that any work of the Corporation or their supply of energy injuriously affects any telegraphic line of the War Department the Board of Trade may by order specify the matter complained of and require the Corporation to abate or discontinue it within such period as is therein limited in that behalf and if the Corporation make default in complying with the order they shall be liable to a penalty not exceeding twenty pounds for every day during which the default continues:

The expression "telegraphic line" in this section shall have the same meaning as in the Telegraph Act 1878.

Works for mechanical power.

27. For the purpose of working any of the tramways by mechanical power the Corporation may erect construct maintain and use stations for generating transforming using and distributing

A.D. 1903.

electrical energy together with engines works buildings machinery and apparatus and may place construct erect lay down make and maintain on above or below the surface of any streets or roads such posts brackets electric conductors wires apparatus conduits cables tubes and openings as may be requisite or expedient for the convenient working or user of the tramways or for the transmission of electricity to such tramways or to any part thereof and the Corporation may supply electrical energy from any generating station of the Corporation.

Apparatus used for mechanical power to be deemed part of tramway.

28. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the tramway.

Attachment of brackets &c. to buildings.

29. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power:

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

Byelaws.

30.—(1) Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

(A) For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages:

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

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

(D) 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 engines used for drawing or propelling such carriages:

(E) For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

(2) 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 Tramways Act 1870 as to byelaws by local authority.

31. 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 byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

A.D. 1903.

FARES RATES AND CHARGES.

Passengers' fares.

32. The Corporation may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile.

Passengers' luggage.

33. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof Provided that such luggage is carried by hand and does not occupy any part of a seat nor is of a form or description to annoy or inconvenience other passengers.

As to fares on Sundays and holidays.

34. The Corporation shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week days.

Restrictions not to apply to special carriages.

35. The restrictions contained in this Act as to the fares to be demanded and taken for passengers shall not extend to any special carriages run upon the tramways.

Cheap fares for labouring classes.

36.—(1) The Corporation or their lessees at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight o'clock in the morning or earlier than five o'clock in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Corporation or their lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation or their lessees to provide such service as may appear to the Board to be reasonable.

(3) The Corporation or their lessees (as the case may be) shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

A.D. 1903.

Rates for goods.

37. The Corporation may demand and take in respect of animals goods and parcels conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding those specified in the First Schedule to this Act subject to the regulations in that behalf therein contained.

Corporation not bound to carry goods.

38. The Corporation shall not be bound unless they think fit to carry passengers' luggage exceeding the weight in that behalf mentioned nor any parcels goods or animals.

Payment of fares.

39. The fares and charges authorised by this Act shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares and charges appoint.

Periodical revision of fares and charges.

40. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the city or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion 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 the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or of any portion thereof 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.

Further Provisions as to Tramways.

Power to work tramways.

41. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take fares and charges in respect of any tramways for the time being belonging to them and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may

A.D. 1903.

be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power.

Regulations by Corporation.

42. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Confirmation of agreement with Chatham Company.

43. The agreement dated the thirteenth day of May one thousand nine hundred and three and made between the Corporation of the one part and the Chatham and District Light Railways Company of the other part as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto and shall be carried into effect accordingly.

Power to lease for period exceeding twenty-one years.

44. Notwithstanding anything contained in section 19 of the Tramways Act 1870 any lease of the right of user of any tramways belonging to the Corporation and of demanding and taking in respect of the same the tolls and charges authorised which shall be made by the Corporation in pursuance of the said section may be for a term or for terms exceeding twenty-one years but not exceeding forty-two years.

Power to acquire patent rights.

45. For the purpose of using mechanical power the Corporation may acquire hold and exercise patent and other rights or licences relating to motive power or otherwise but not so as to acquire any exclusive right therein.

Penalty for malicious damage.

46. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the tramways anything which is calculated to obstruct or interfere with the working of such tramways or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any of the tramways shall be liable to a penalty not exceeding twenty pounds.

STREET IMPROVEMENTS LANDS &c.

Power to make street improvements.

47. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvements and other works hereinafter mentioned with all proper approaches

embankments retaining walls works and conveniences connected therewith or incident thereto.

The street improvements hereinbefore referred to and authorised by this Act will be situate in the city and are—

Street Work No. 1 A widening and improvement of the High Street on the north-east side from White's Alley to Ironmonger Lane:

Street Work No. 2 A widening and improvement of the High Street on the north-east side commencing at the southernmost and terminating at the north-westernmost corner of No. 137 High Street:

Street Work No. 6 A widening and improvement of the High Street on the north-east side from Station Road to the north-west corner of No. 80 High Street:

Street Work No. 7 A widening and improvement of the High Street on the north side from the easternmost corner of No. 104 High Street to the westernmost corner of No. 106 High Street:

Street Work No. 8 A widening and improvement of North Street on the east side from the southernmost corner of No. 36 North Street to Saint Mary's Road:

Street Work No. 9 A widening and improvement of North Street on the east side from Saint Mary's Road to a point opposite to the centre of the roadway of Wykeham Street:

Street Work No. 10 A widening and improvement of Frindsbury Road on the south-east side from Vicarage Road to Grove Road:

Street Work No. 11 A new street commencing by a junction with the High Street on the north-east side thereof at a point about sixty yards measured in a north-westerly direction from the north-west corner of the Guildhall and terminating by a junction with the street known as The Common at a point forty-eight feet or thereabouts south of the bridge which carries the London Chatham and Dover Railway over The Common:

Street Work No. 12 A new street commencing at the south end of The Common at its junction with Free School Lane and terminating by a junction with Ironmonger Lane at a point two hundred and forty feet from the junction of Ironmonger Lane with High Street:

A.D. 1903.

Street Work No. 13 A widening and improvement of Ironmonger Lane on the south-east side commencing at its junction with the High Street and extending in a north-easterly direction to its junction with the new street last before mentioned.

Limits of deviation.

48. In the construction of the street works and tramroad authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding in the case of the street works two feet either upwards or downwards and in the case of the tramroad five feet either upwards or downwards.

Power to take lands.

49. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as they may require for the following purposes:—

(1) For the construction of the tramroad and street works authorised by this Act and for the provision of space for the erection of buildings adjoining or near to any street made widened or improved in pursuance of the powers of this Act:

(2) For the extension of the depôt and stone-yard of the Corporation:

(3) For the erection of slaughter-houses.

Removal of human remains from Methodist burial ground.

50.—(1) If and when the Corporation shall acquire the burial ground attached to the Methodist Chapel in Frindsbury Road they shall before applying or using any part thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in the said burial ground Provided that a Secretary of State on the application of the Corporation and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the requirements of this section on such conditions (if any) as he thinks fit.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice for three successive days in two local newspapers circulating in the city to the effect that it is intended to remove such remains and such notice shall have

embodied in it the substance of sub-sections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the said burial ground may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in any burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the Rochester County Court who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of ten pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section the Corporation may remove the remains of the deceased person and cause them to be interred in such other burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the city as the registrar of the Rochester County Court may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical official of health of the city.

A.D. 1903.

Subsidiary works.

51. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the works authorised by this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

Temporary stoppage of streets.

52. The Corporation may during the execution and for the purposes of any work authorised by this Act from time to time stop up any street and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time but convenient access to the houses in such street shall be provided by the Corporation.

Stopping up of part of Parr's Head Lane.

53. Upon the completion of so much of Street Work No. 11 authorised by this Act as will lie between the commencement of that work and its junction with Parr's Head Lane and upon the acquisition by the Corporation of the lands abutting upon so much of Parr's Head Lane as will lie between the junction thereof with the High Street and the junction thereof with the said Street Work No. 11 the Corporation may stop up and discontinue for public use so much of the said lane as aforesaid and upon the stopping up and discontinuance of the same the site and soil thereof shall be by this Act vested in the Corporation freed from all public and other rights of way over or affecting the same.

Correction of errors &c. in deposited plans and books of reference.

54. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the city for the correction thereof and if it appear

to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Kent and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

55. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Owners may be required to sell parts only of certain lands and buildings.

56.—(1) And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

(A) The owner of and persons interested in any of the properties whereof the whole or part is described or referred to in the Third Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties" :

(B) If for twenty-one days after service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making

A.D. 1903.

compensation for any damage sustained by the owner by severance or otherwise:

(c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by them determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(d) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(e) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in their absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(f) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(g) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but

that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Provisions as to compensation.

57. For the purpose of determining any question of disputed compensation payable in respect of lands taken in pursuance of this Act the following provisions shall apply and for the purposes of this section the expression "owner" shall mean the owner of and persons interested in the lands required by the Corporation:—

(1) The tribunal shall take into account any permanent increase in value of any lands retained by or belonging to the owner which in the opinion of the tribunal will result from or be caused by the construction of the works for or in connection with which the lands are required and generally all the other circumstances of the case which it is equitable to consider:

(2) The tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of January one thousand nine hundred and three if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of arbitration &c. in certain cases.

58.—(1) The tribunal shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be

A.D. 1903.

of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered one half of the costs of the proceedings before the tribunal shall be defrayed by such claimant and the remaining half shall be defrayed by the Corporation anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the cause.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contains or is endorsed with a notice of the effect of this section.

Persons under disability may grant easements &c.

59. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Power to purchase additional lands by agreement and to appropriate lands.

60. The Corporation in addition to any other lands which they are by this Act authorised to acquire may by agreement purchase take on lease acquire and hold for the purposes of this Act any lands not exceeding in the whole ten acres and with the consent of the Local Government Board and subject to such conditions as that Board may prescribe may appropriate to such purposes lands vested in the Corporation and not wanted for the purposes for which they were acquired Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands

acquired or appropriated in pursuance of this section nor erect any buildings thereon except for the purposes of this Act. A.D. 1903.

Restrictions on displacing persons of labouring class.

61.—(1) The Corporation shall not under the powers by this Act granted purchase or acquire in any city borough or other urban district and elsewhere than in any city borough or urban district any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1903.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connection with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty five years from the date of the scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

A.D. 1903.

(9) For the purposes of this section—

The expression "labouring class" means 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 such persons who may be residing with them; and

The expression "house" means any house or part of a house occupied as a separate dwelling.

Power to retain sell &c. lands.

62. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale of surplus lands.

63. So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on resale or exchange or by leasing as aforesaid in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board Provided that—

(1) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase:

A.D. 1903.

(2) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

FINANCE.

Power to borrow.

64.—(1) The Corporation may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(A) For the construction of the tramways authorised by this Act and for the provision and erection of posts standards brackets conductors and other apparatus works and conveniences for the purposes of the said tramways the sum of sixty-six thousand one hundred and nine pounds:

(B) For the purchase of the lands which the Corporation are by this Act authorised to purchase and the execution of the street improvements authorised by this Act the sum of sixty-nine thousand eight hundred and eighty-eight pounds:

(C) For the purchase of land for the purposes of extending the depôt and stone-yard of the Corporation and of erecting slaughter-houses the sum of four thousand five hundred and sixty pounds:

(D) For paying the costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose:

And with the consent of the Board of Trade such further money as may be necessary for any of the purposes of the tramway undertaking of the Corporation and with the consent of the Local Government Board such further money as may be necessary for any of the purposes of this Act other than purposes of that undertaking.

(2) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards money borrowed for the purposes (A) and (D) and any money borrowed for the purposes of the tramway undertaking of the Corporation the revenue of that undertaking and the borough fund and borough rate or either of those securities:

As regards money borrowed for any other purposes the district fund and general district rate.

(3) The Corporation shall pay off all money borrowed by them under this section within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to money borrowed for the purposes (A) within thirty years from the date or dates of borrowing the same:

As to money borrowed for the purposes (B) and (C) within sixty years from the date or dates of borrowing the same:

As to money borrowed for the purpose (D) within five years from the date or dates of borrowing the same:

As to money borrowed with the consent of the Board of Trade or of the Local Government Board within such period as the respective Boards may sanction.

Certain regulations of Public Health Act 1875 as to borrowing not to apply.

65. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Mode of raising money.

66. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions of Public Health Act as to mortgages to apply.

67. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

Mode of payment off of money borrowed.

68. The Corporation shall pay off all money borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made Provided that in respect of moneys not exceeding the sum of sixty-six thousand one hundred and nine pounds borrowed for any of the purposes (A) mentioned in the section of this Act whereof the marginal note is "Power to borrow" such first instalment shall be paid or such first payment to the sinking fund shall be made upon the completion of the work in

A.D. 1903.

respect of which the money is borrowed or upon the expiration of three years from the passing of this Act (whichever shall be the earlier) if the date of such completion or the expiration of such three years (as the case may be) shall be subsequent to the expiration of one year from the date of borrowing such money.

Sinking fund.

69.—(1) If the Corporation determine to repay by means of a sinking fund any money borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the money for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with the accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the money for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per

centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the Corporation may with the consent of that Board discontinue the annual

A.D. 1903.

payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the money for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Protection of lender from inquiry.

70. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any of the provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

71. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment of receiver.

72.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Power to reborrow.

73. If the Corporation pay off any money borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of money received on capital account not being borrowed moneys they may reborrow the same but all money so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the money originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provisions to be made for such repayment shall not be diminished by reason of such reborrowing.

A.D. 1903.

Return to Local Government Board as to repayment of debt.

74.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1903.

Separate accounts for tramway undertaking application of revenue and deficiency of receipts.

75.—(1) The Corporation shall keep the accounts in respect of their tramway undertaking separate from their other accounts distinguishing therein capital from revenue and shall apply all money received by them on account of revenue in respect of their tramway undertaking in the manner and in the order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking:

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the undertaking:

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking:

Fourthly In extending and improving (if the Corporation think fit) any works for the purposes of the undertaking:

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum;

And the Corporation shall carry to the borough fund so much of any balance remaining in any year of the income of the undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation

not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the undertaking shall be forthwith made good out of the borough fund.

Application of money borrowed.

76. All money borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Expenses of execution of Act.

77. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund or district fund as the Corporation having regard to the object of the expenditure shall deem just.

Audit of accounts.

78. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

MISCELLANEOUS.

Regulations as to street traffic.

79.—(1) The Corporation may from time to time make regulations with respect to those streets to be specified in the regulations in which tramways are constructed or which are specially liable to be obstructed by reason of the amount and nature of the traffic requiring the drivers of slow-moving vehicles to keep their vehicles to a particular portion of the street.

(2) All regulations under this section shall be subject to the approval of the Secretary of State.

(3) Any person who shall contravene any such regulation after warning given by word or signal by a police constable stationed in the street to direct the traffic shall be liable to a penalty not exceeding forty shillings.

Orders &c. of Board of Trade.

80. All orders regulations 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.

Inquiries by Local Government Board.

81.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the

A.D. 1903.

Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Application of section 265 of Public Health Act 1875.

82. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Authentication and service of notices.

83.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the city requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the city may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Recovery of penalties.

84. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Informations by whom to be laid.

85. Save as herein expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk.

Penalties to be paid over to treasurer.

86. All penalties recovered on the prosecution of the Corporation under this Act or under any byelaw thereunder shall be paid to the treasurer of the city and be by him carried to the credit of the borough fund.

A.D. 1903.

Judges not disqualified.

87. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being a member of the Corporation or liable to any rate.

Costs of Act.

88. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys borrowed under the provisions of this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

RATES FOR ANIMALS AND GOODS.

ANIMALS.	Per mile s.	d.
For every horse mule or other beast of draught or burden	0	4
For every ox cow bull or head of cattle	0	3
For every calf pig sheep or small animal	0	1½

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	per ton	0	2
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	per ton	0	2½
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	per ton	0	3
For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein	per ton	0	4
For every carriage of whatever description		1	0

A.D. 1903.

Parcels.	Any distance s.	d.
For any parcel not exceeding 7 lbs. in weight - - - -	0	3
For any parcel exceeding 7 lbs. and not exceeding 14 lbs. in weight	0	5
For any parcel exceeding 14 lbs. and not exceeding 28 lbs. in weight	0	7
For any parcel exceeding 28 lbs. and not exceeding 56 lbs. in weight	0	9
For any parcel exceeding 56 lbs. such sum as the Corporation may think fit:		

Provided always 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.

For the Carriage of Single Articles of great Weight.	Per mile s.	d.
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 Corporation may think fit not exceeding - - - - - - per ton	2	0
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 Corporation may think fit.		

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than three miles the Corporation may demand rates and charges as for three miles.

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

For a fraction of a ton the Corporation may demand rates 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 Imperial avoirdupois weight.

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

In addition to the foregoing rates the Corporation may demand such charges as are reasonable for loading and unloading animals and goods and if any difference shall arise as to the reasonableness of any such charge the matter in difference shall be settled by the Board of Trade.

THE SECOND SCHEDULE.

Memorandum of Agreement made this thirteenth day of May 1903 between the Mayor Aldermen and Citizens of the City of Rochester (hereinafter called "the Corporation") of the one part and the Chatham and District Light Railways Company (hereinafter called "the company") of the other part.

Whereas the Corporation is promoting in the present session of Parliament a Bill which is now pending in the House of Lords intituled "An Act to "authorise the mayor aldermen and citizens of the city of Rochester to "construct tramways and street improvements and for other purposes" (hereinafter called "the Corporation Bill") by which the Corporation seeks power (inter alia) to construct various tramways therein described in the city of Rochester:

And whereas the company is also promoting in the present session of Parliament a Bill which is also now pending in the House of Lords intituled "An Act to authorise the Chatham and District Light Railways Company "to construct tramways and tramroads and other works and for other "purposes" (hereinafter called "the company's Bill") by which the company seeks power (inter alia) to construct various tramways therein described within the city of Rochester some of which follow the routes of the tramways included in the Corporation Bill:

And whereas with a view to avoid mutual opposition to the said Bills the Corporation and the company have determined to enter into the agreement hereinafter contained:

Now it is hereby agreed as follows:—

1. The company shall in committee of the House of Lords withdraw all lines in the city of Rochester included in the company's Bill with the exception of (A) the lines from the boundary of the city of Rochester in the new road to the northern end of Star Hill (being Tramway No. 11 Tramway No. 12 and part of Tramway No. 13 in the company's Bill) and (B) the lines from Star Hill to Borstal (being Tramroad No. 17 and the whole of Tramways Nos. 18 and 18A described in the company's Bill) and (C) the portion of Tramroad No. 5 situate within the city and shall also withdraw the Street Works Nos. 11 12 13 and 14 described in the company's Bill.

2. The Corporation and the company shall respectively use their best endeavours to obtain the sanction of Parliament in the present session to the above-mentioned lines (A) and (B) and to Tramway No. 15 described in the company's Bill and to secure that the power to construct lines (A) and (B) shall be conferred upon the Corporation by the Corporation Bill in lieu of being conferred upon the company by the company's Bill.

3. The Corporation shall in committee in the House of Lords withdraw from the Corporation Bill (1) the Borstal line (being Tramways Nos. 3 and 3A in the Corporation Bill) (2) the Maidstone Road line (being Tramways Nos. 4

A.D. 1903. and 4A in the Corporation Bill) and (3) the Street Works Nos. 3 4 and 5 mentioned in clause 40 of the Corporation Bill.

4. The Corporation shall use their best endeavours to obtain the sanction of Parliament in the present session to the remainder of the tramways and street works described in the Corporation Bill.

5. If the lines (A) and (B) mentioned in clause 1 hereof shall be sanctioned by Parliament but if the power to construct these lines shall be conferred by the company's Bill and not by the Corporation Bill a clause (to be agreed upon between the agents for the Corporation and the agents for the company or failing agreement settled by a counsel to be appointed by the Attorney-General) shall be inserted in the company's Bill providing for the transfer to the Corporation of the company's powers in respect of such lines and empowering the Corporation to construct such lines.

6. The Corporation so soon after such transfer as is reasonably practicable having regard to the necessity of constructing widenings and certain works of main drainage before the construction of some of the tramways shall commence the construction of the tramways which may be authorised by the Corporation Bill and of the tramways comprising the said lines (A) and (B) all of which tramways are hereinafter collectively referred to as "the tramways" and shall commence the carrying out of the street widenings and improvements and new streets which may be authorised by the Corporation Bill and shall proceed therewith with all due diligence so that the same may be completed and the tramways may be opened for the public conveyance of passengers within a reasonable period (not exceeding in any event the periods limited for completion of such respective works by the Corporation Bill or the company's Bill and the Corporation Bill as they shall be sanctioned by Parliament) to be agreed upon between the Corporation and the company or in the event of difference between them to be determined by arbitration as hereinafter provided In fixing such reasonable period regard shall be had to the carrying out of the system of main drainage now contemplated by the Corporation and the alternative road proposed to be made by the Corporation through The Common.

7. The system of electrical equipment and the gauge of the tramways shall be such as to allow of convenient through running over the tramways and the lines in Chatham but the Corporation shall not be bound to construct a generating station or to provide generating plant All plans specifications contracts and details of design and construction of the tramways shall be submitted to and shall be subject to the reasonable approval of the company's engineer.

8. The Corporation shall use their best endeavours to obtain on or before the expiration of the said reasonable period a certificate of the Board of Trade that the tramways are fit for public traffic.

9. The Corporation shall take all reasonable steps to execute such street works in the most economical way and shall consult the company in all proceedings in connection therewith and all negotiations in connection with the acquisition of land for the purpose of the said street works and amount

A.D. 1903.

of purchase money or compensation to be paid by the Corporation in respect thereof shall if desired by the company be submitted to and approved by Mr. Herbert Mansfield Cobb of Higham or in the event of his being unable or unwilling to act by such other representative as may be appointed by the company Any dispute between the said H. M. Cobb or such other representative and the Corporation shall be referred to arbitration as hereinafter provided.

10. Immediately after the completion of the tramways on the company paying the amount (if any) which may before that date have been paid by the Corporation for interest and sinking fund or interest and instalments of principal in respect of the cost of construction of the tramways as hereinafter mentioned the Corporation shall grant to the company and the company shall accept a lease of the tramways for a term commencing on the date of the said completion and continuing until the expiration of 42 years from the date of the Royal Assent to the company's Bill at a yearly rent equal to the total of the following amounts:—

(1) The annual sum which the Corporation may have to provide for interest and sinking fund or interest and instalments of principal in respect of the actual cost of construction of the tramways including the paving and substructure within the area mentioned in section 28 of the Tramways Act 1870 and of the electrical equipment of the tramways the cost of acquisition of land for the tramroad and the construction thereof and all reasonable Parliamentary and legal charges and expenses and consulting engineer's fee but not including any expense in respect of street widenings and improvements and new streets:

(2) The sum of £1,000 per annum which sum is based on the assumption that the street widenings and improvements and new streets authorised by the Corporation Bill will involve an outlay by the Corporation of £75,000 If however the expenses reasonably incurred by the Corporation therein shall be less than or shall exceed £75,000 the said sum of £1,000 per annum shall be proportionately reduced or increased so that the annual sum so payable shall bear the same proportion to the expenses so incurred which £1,000 bears to £75,000 but in the event of any of the proposed tramways not being constructed the company shall not be liable to contribute to the cost of any widenings other than those necessary in connection with the tramways actually constructed save that in any event if the tramway is constructed throughout High Street Saint Nicholas from the bottom of Star Hill to Rochester Bridge the company shall contribute to the cost of Widenings Nos. 1 and 13 in the Corporation Bill if these widenings are carried out:

Provided always that the said yearly rent payable under the two preceding subsections shall not in any event exceed 6¼ per cent. upon the actual cost of construction of the tramways as defined in subsection (1) of this clause But if in any year the amounts which would have been payable by the company but for this proviso exceed such 6¼ per cent. the balance

A.D. 1903. or excess together with compound interest thereon at $3\frac{1}{2}$ per cent. per annum with annual rests shall be paid to the Corporation by the company in any year in respect of which the yearly rent shall be less than such $6\frac{1}{4}$ per cent. but so that the total payment in any year shall not exceed such $6\frac{1}{4}$ per cent. and that any balance not having accrued due before the end of the term shall be extinguished without payment.

11. The said rent shall be paid by equal quarterly payments on the usual quarterly days clear of all deductions except landlords property or income tax.

12. The said lease shall contain the following covenants by the company (namely):—

(1) To pay the said yearly rent at the times and in manner hereinbefore appointed for payment thereof and clear of all deductions except as aforesaid:

(2) To pay and discharge all rates taxes charges duties and assessments whether Parliamentary parochial local or of any other description which are now or shall at any time during the said term be assessed charged or imposed upon the tramways or on the owner lessee or occupier in respect thereof the landlord's property or income tax only excepted:

(3) At all times during the said term to maintain and keep in good repair and condition the tramways and the substructure upon which the same rest and the electrical equipment thereof and to make any alteration in the tramways required by any statutory or other regulations affecting the same or by the Board of Trade:

(4) At all times during the said term to work and maintain on the tramways an efficient service of cars the fares rates and charges for which in the city of Rochester shall not exceed those authorised by the clauses of the Corporation Bill the marginal notes whereof are as follows:—

Passengers' fares;
Passengers' luggage;
As to fares on Sundays and holidays;
Cheap fares for labouring classes;
Rates for goods;
Corporation not bound to carry goods;
Payment of fares;
Periodical revision of fares and charges:

And in respect of any journey or the conveyance of any goods partly over the tramways or partly over any tramways or light railways owned or worked by the company not to charge any higher fare or rate than may under the clauses aforesaid be charged in respect of a journey or the conveyance of goods for the same distance over the tramways The company shall provide such service of workmen's cars as may be reasonably considered necessary at the times mentioned in the Corporation's and company's Bills and also during the workmen's dinner hours:

A.D. 1903.

(5) Upon the expiration or sooner determination of the said term to deliver up to the Corporation the demised premises and all works constructed in lieu thereof or in substitution therefor in good repair and condition and in such state and condition as shall be consistent with the due performance of the covenants by the company to be contained in the said lease:

(6) Not to assign demise underlet or part with the possession of the premises comprised in the said lease or any part thereof or to grant running powers over the tramways or any part thereof without the consent in writing of the Corporation:

(7) To keep the Corporation effectually indemnified against all actions proceedings claims and liabilities in respect of the working during the said term of the tramways or the non-performance or non-observance by the company of any covenant on its part to be contained in the said lease:

(8) To abide by perform observe fulfil and keep all and singular the provisions of any and every Act of Parliament relating to or affecting the tramways and works to be comprised in the said lease and all and singular the obligations and liabilities in connection with the tramways and works which the Corporation or their lessees are bound to abide by other than those which it is hereby provided shall be performed by the Corporation:

(9) To indemnify the Corporation against all claims demands penalties or forfeitures whatsoever which may arise by reason of such provisions obligations and liabilities as last aforesaid:

(10) To indemnify the Corporation against all claims damages and costs for trespass accidents damages and injuries arising through the company's act or default or the act or default of any person in their employment:

(11) To pay to the Corporation in consideration of the covenant by the Corporation as to maintaining the paving to be contained in the said lease a sum of £600 per annum by equal quarterly instalments on the usual quarter days Provided that if any of the tramways intended to be constructed on main roads shall not be constructed the said sum of £600 per annum shall be reduced by a sum bearing the same proportion to £600 which the length of the main roads along which the tramways intended to be constructed have not been constructed bears to the length of main roads along which the tramways are intended to be constructed Provided also that the cost of repaving or reinstating the road when disturbed for the purposes of the company or of the Corporation shall be borne by the party causing the disturbance:

(12) To allow the Corporation to use any posts standards or brackets for the support of any electric wires or lamps or any gas lamps belonging to the Corporation or to any contractor with them for the lighting of street lamps Provided that any apparatus or appliances for such purpose shall be fixed to the reasonable satisfaction of the company and in accordance with the Board of Trade regulations and the Corporation

A.D. 1903.

shall make good any damage done by them or their contractors to any of the company's wires and fittings suspended from such posts standards or brackets and shall indemnify the company against liability to third parties by reason or arising out of such user:

(13) Not to display advertisements on any posts standards or brackets and to comply with any byelaws made by the Corporation with the approval of the Board of Trade as to placing and fixing on the carriages of advertisement boards and placards and notices and the removal thereof if the same are unsafe or inconvenient:

(14) If the company at any time find it necessary or advisable to remove snow or other matter impeding the traffic on the tramways to at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and not without the consent of the Corporation to use salt or other material for thawing the snow on any road:

together with any other covenants usually contained in leases of tramways by local authorities.

13. The said lease shall also contain the following covenants by the Corporation (namely):—

(1) The usual qualified covenant for quiet enjoyment:

(2) A covenant to at all times during the said term maintain and keep in good repair and condition the paving of the portion of the roads in which the tramways are laid and to undertake the obligations imposed by section 28 of the Tramways Act 1870 as applied or amended by the Corporation Bill and the company's Bill:

(3) A covenant to indemnify the company against all actions proceedings claims and liabilities whatsoever which may arise by reason of the non-fulfilment by the Corporation of such last-mentioned covenant.

14. The said lease shall reserve to the Corporation power whenever the said yearly rent or any part thereof shall be in arrear and unpaid for one calendar month after the same shall become payable whether the same shall have been legally or formally demanded or not or in case the company discontinue the working of the tramways or any part thereof for the space of two calendar months without the consent of the Corporation in writing (such discontinuance not being occasioned by circumstances beyond the control of the company for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control) or if and whenever the company shall after reasonable notice have continued to make default in the performance or observance of any of the covenants or provisions in the said lease to be contained and on their part to be performed or observed to enter upon the demised premises or any part thereof in the name of the whole and thereupon the said lease and everything therein contained shall cease and be void but without prejudice to any right of action or remedy which shall have accrued to the Corporation in respect of any breach of any of the covenants or provisions therein contained.

A.D. 1903.

15. The company shall pay the costs and expenses of and incidental to the preparation and execution of the said lease and a counterpart thereof which is to be executed by the company and if the said lease be executed they shall also pay the costs of and incidental to the preparation and execution of this agreement.

16. Any notice which is hereby or by the said lease authorised or required to be given to the Corporation shall be in writing signed by the chairman or secretary for the time being of the company or be under the company's common seal and may either be given to the town clerk personally or be sent in a registered letter addressed to him at his office in Rochester aforesaid and any notice hereby or by the said lease authorised or required to be given to the company shall be in writing signed by the mayor or town clerk for the time being or be under the common seal of the Corporation and shall be either given to the secretary for the time being of the company personally or be sent in a registered letter addressed to such secretary at the registered office of the company.

17. In the event of any difference arising the draft of the said lease shall be settled by a barrister-at-law to be appointed in default of agreement by the Attorney-General on the application of either party.

18. Any difference or question between the parties hereto as to any matter or thing arising hereout (the determination whereof is not otherwise provided for hereunder) shall be referred to arbitration under the Arbitration Act 1889 A provision to this effect shall be contained in the said lease.

19. If Parliament shall refuse to sanction any part of the tramways in Rochester whereby the position of the parties under this agreement shall be substantially altered the company may by notice in writing to the Corporation or the Corporation may by notice in writing to the company withdraw from this agreement and on such notice being given by the Corporation to the company the company shall withdraw from their Bill the tramways in Rochester and this agreement shall have no further force or effect.

In witness whereof the Corporation and the company have caused their respective common seals to be hereunto affixed the day and year first above written.

The common seal of the said mayor aldermen and citizens was hereunto set and affixed at a meeting of the council of the said city in the presence of

APSLEY KENNETTE
Town Clerk.

The seal of the Mayor Aldermen and Citizens of the city of Rochester.

The seal of the Chatham and District Light Railway Company was hereupon set and impressed in the presence of

A. R. MONKS
J. H. NAUHEIM } Directors.

ALFRED CLEMENTS
Secretary.

The seal of the Chatham and District Light Railway Company.

A.D. 1903.

THE THIRD SCHEDULE.

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

City.	Numbers on deposited Plans.
City of Rochester - -	41 48 57 84 93 94 131 132 133 140 141 142 143 144 154.

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