

**CHAPTER ccxlix.**

An Act to incorporate the Stroud and District Tramways Company and to empower that Company to make and maintain tramways in the County of Gloucester and for other purposes. A.D. 1903.

[14th August 1903.]

WHEREAS the making and maintaining of the tramways and street works in connexion therewith in this Act described would be of public and local advantage :

And whereas the persons in that behalf in this Act named with others are willing at their own expense to construct the tramways and works if authorised by Parliament so to do and are desirous of being incorporated into a company with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly as by this Act provided :

And whereas it is expedient that the provisions of the Tramways Act 1870 as to the purchase of the undertaking of the Company should be modified as herein-after mentioned :

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised and also books of reference containing the names of the owners and lessees or reputed owners and lessees and 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 Gloucester and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas it is expedient that such other provisions should be made as are in this Act contained :

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

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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 :—

I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Stroud and District Tramways Act 1903.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts and section 3 (Interpretation of terms) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

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

“ The Company ” means the Company incorporated by this Act ;

“ The tramways ” and “ the undertaking ” mean respectively the tramways and the undertaking of the Company by this Act authorised ;

“ Local authority ” includes the rural district council of Stroud ;

“ The county council ” means the Gloucestershire County Council ;

“ Mechanical power ” includes steam electric and every other motive power not being animal power ;

“ Engine ” includes motor ;

The word “ contingencies ” in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act 1870 as modified by this Act at a sum less than the aggregate amount of the capital and debts of the Company.

II.—INCORPORATION OF COMPANY CAPITAL &C.

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4. Alfred Apperly William Alexander Buchanan William George Clissold Walter Bernard Hopkins John Margetson Sir William Henry Marling Baronet William John Paley Marling Richard Owen Paddison Paddison Edward Playne and George Sitwell Campbell Swinton and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the tramways and street works and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Stroud and District Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Company in-
corporated.

5. The capital of the Company shall be one hundred and thirty-five thousand pounds in one hundred and thirty-five thousand shares of one pound each but the Company shall not be entitled to raise— Capital.

(a) Eleven thousand pounds part of such capital except for the purpose of the erection of a station or stations for generating electric power :

(b) Fourteen thousand pounds further part of such capital except for the purpose of constructing Tramways Nos. 3 3a 3b and 4 the intention of the Company being in the first instance to work motor cars on the trolley system without rails along the routes of such tramways :

(c) Ten thousand pounds further part of such capital except for the purpose of the construction of Tramway No. 8 the intention of the Company being in the first instance to work motor cars on the trolley system without rails along the route of such tramway.

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

7. One third of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls. Calls.

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Receipt in
case of per-
sons not sui
juris.

Power to di-
vide shares.

8. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

9. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company especially convened for the purpose may divide any shares in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividend on
half shares.

10. The dividend which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have been payable on the entire share if the same had not been divided.

Dividend on
preferred
shares to be
paid out of
profits of
year only.

11. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares
to be regis-
tered and
certificates
issued.

12. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in

respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire share of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

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13. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated in certificate.

14. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of preferred shares.

15. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled or surrendered.

16. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

17. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one third part of the amount of the capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued shall have been fully paid up and the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock have been issued and fully paid up And upon production to such justice of the books of the

Power to borrow.

A.D. 1903. Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Rights of mortgagees on sale of tramways.

18. Every mortgage of the undertaking of the Company shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act 1870 as modified by this Act and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage and every mortgage deed shall be endorsed with notice that the mortgage will not be a charge upon the tramways or the undertaking or any part thereof in the event of such sale.

For appointment of a receiver.

19. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

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

First ordinary meeting.

22. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act.

Number of directors.

23. The number of directors shall until the first ordinary meeting of the Company be four but the Company may at that or any subsequent ordinary meeting vary the number provided that the number be not at any time more than nine or less than three.

24. The qualification of a director shall be the possession in his own right of not less than three hundred shares. Qualification of directors.

25. The quorum of a meeting of directors shall be three. Quorum of meetings.

26. William Alexander Buchanan Walter Bernard Hopkins William John Paley Marling and George Sitwell Campbell Swinton shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for re-election and at the ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for altering the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.
Election of directors.

27. The Company shall at the first ordinary meeting after the passing of this Act elect an auditor who shall be a chartered accountant and such auditor need not hold shares in the Company. Auditor to be appointed.

III.—CONSTRUCTION OF TRAMWAYS &C.

28. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates posts tubes wires apparatus generating stations depôts 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 herein-before referred to and authorised by this Act will be situate in the urban districts of Stroud and Power to make tramways.

A.D. 1903. Nailsworth and in the rural district of Stroud all in the county of Gloucester and are the following :—

Tramway No. 1 1 mile and 7·80 chains in length whereof 6 furlongs 6·12 chains are single line and 2 furlongs 1·68 chains are double line commencing in the urban district and parish of Stroud in King Street at a point in the said street twenty-one yards north-eastward of the south corner of the Royal George Hotel passing thence in a south-westerly direction along King Street Rowcroft and the Cainscross Road and terminating in the parish of Cainscross by a junction with Tramway No. 2 at a point near the White Horse Inn Cainscross thirty-four yards measured in a westerly direction from the intersection of Bridge Street and the Cainscross Road :

Tramway No. 2. 2 miles 1 furlong 1·48 chains in length whereof 1 mile 7 furlongs 3·48 chains are single line and 1 furlong 8·00 chains are double line commencing in the parish of Cainscross by a junction with Tramway No. 1 at its termination and passing thence in a westerly direction along the Stonehouse Road and High Street Stonehouse and terminating in High Street Stonehouse in the parish of Stonehouse at a point one hundred and twenty-eight yards southwards from the south-western side of the Great Western Railway Bridge :

Tramway No. 3 1 mile 7 furlongs 8·20 chains in length whereof 1 mile 6 furlongs 6·20 chains are single line and 1 furlong 2·00 chains are double line commencing at Cainscross in the parish of Cainscross by a junction with Tramway No. 1 at a point in the Cainscross Road eighteen yards to the north-east of the intersection of Bridge Street and the Cainscross Road passing thence through Dudbridge into and along the Nailsworth Road and terminating by a junction with Tramway No. 4 at a point opposite the roadway forming the entrance to Woodchester Railway Station in the parish of Minchinhampton :

Tramway No. 3A A single line 2·30 chains in length commencing at Cainscross in the parish of Cainscross at the point of the junction of Tramways Nos. 1 and 2 and terminating by a junction with Tramway No. 3 at a point in Bridge Street Cainscross in the parish of Cainscross twenty-three yards to the south-east of the intersection of the Cainscross Road and Bridge Street :

Tramway No. 3B A single line 8·33 chains in length commencing in the parish of Rodborough by a junction with Tramway No. 3 at a point twenty-two yards north-west of the intersection of the Dudbridge and Lightpill Road and the Selsley Road and terminating in the parish of Kingstanley at a point twenty-two yards north-east of the intersection of the Selsley Road and the road leading to Dudbridge Railway Station :

Tramway No. 4 1 mile 6 furlongs 7·00 chains in length whereof 1 mile 5 furlongs 2·00 chains are single line and 1 furlong 5·00 chains are double line commencing in the parish of Minchinhampton by a junction with Tramway No. 3 at its termination and passing thence along the Nailsworth Road and terminating in that road in the urban district and parish of Nailsworth at a point forty-three yards to the south-east of the intersection of the Nailsworth Road and George Street :

Tramway No. 5 2 miles and 5·02 chains in length whereof 1 mile 5 furlongs 5·52 chains are single line and 2 furlongs 9·50 chains are double line commencing in the urban district and parish of Stroud in George Street at the intersection of Kendrick Street and George Street passing thence into and along the London Road to and terminating by a junction with Tramway No. 6 in the parish of Thrupp at the intersection of the London Road and the road through Brimscombe to Walls Quarry :

Tramway No. 5A A double line 6·12 chains in length commencing in the urban district and parish of Stroud by a junction with Tramway No. 5 at the intersection of Kendrick Street and George Street and passing thence along George Street and terminating by a junction with Tramway No. 1 in King Street in the urban district and parish of Stroud at a point eleven yards to the north-east of the south corner of the Royal George Hotel :

Tramway No. 5B A double line 9·10 chains in length commencing in the urban district and parish of Stroud by a junction with Tramway No. 5 at a point in the London Road seventeen yards to the south-east of the intersection of John Street and the London Road and passing thence along Russell Street and terminating by a junction with Tramway No. 1 in Rowcroft in the urban district and

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parish of Stroud at a point eighteen yards to the south-west of the intersection of Russell Street and Rowcroft Provided that so much of Tramway No. 5B as shall be constructed opposite to any part of the Post Office in Russell Street shall be so laid as to leave a space of not less than 9 feet 6 inches between the outside of the footpath on the south-west side of Russell Street and the nearest rail of the tramway :

Tramway No. 6 1 mile 6 furlongs 5·70 chains in length whereof 1 mile 5 furlongs 3·70 chains are single line and 1 furlong 2·00 chains are double line commencing by a junction at Brimscombe in the parish of Thrupp with Tramway No. 5 at its termination and passing thence along the London Road and terminating at Chalford in the parish of Chalford at the intersection of the roads leading to Frampton Mansell and to Marle Hill :

Tramway No. 7 6 furlongs 0·22 chain in length whereof 5 furlongs 7·22 chains are single line and 3·00 chains are double line commencing in the urban district and parish of Stroud at a point eleven yards south-west of the intersection of King Street and High Street and passing thence along Lansdown and the Slad Road and terminating by a junction with Tramway No. 8 at a point opposite the south-west corner of the Stroud Police Station in the urban district of Stroud and parish of Uplands :

Tramway No. 7A A single line 2·50 chains in length wholly in the urban district and parish of Stroud commencing by a junction with Tramway No. 1 at its commencement and passing thence along King Street in a north-easterly direction and terminating in that street by a junction with Tramway No. 7. at its commencement :

Tramway No. 7B A single line 6·87 chains in length commencing in the urban district and parish of Stroud by a junction with Tramway No. 7A at its termination and passing thence along Gloucester Street to and terminating in the Painswick Road by a junction with Tramway No. 8 at a point opposite the south-west corner of the Stroud Police Station in the urban district of Stroud and parish of Uplands :

Tramway No. 8 3 miles 2 furlongs 2·10 chains in length whereof 3 miles and 7·10 chains are single line and 1 furlong 5·00 chains are double line commencing in the urban district

of Stroud and parish of Uplands by a junction with Tramways Nos. 7 and 7B at their terminations and passing thence along Beeches Green and the Painswick Road to and terminating at a point in Victoria Square in the parish of Painswick opposite the centre of the entrance to the public room there.

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29. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Inspection
by Board of
Trade.

30. 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 engine or carriage used on the tramways shall exceed six feet three inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Gauge of
tramways.

31. 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 Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramways
to be kept
on level of
surface of
road.

32. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing 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 Company 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 and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act.

Plan of pro-
posed mode
of construc-
tion.

33. Where Tramways Nos. 5 and 6 are laid between the boundary of the parish of Stroud and a point one furlong west of

As to Tram-
ways Nos. 5
and 6.

.D. 1903. Brimscombe Station and between the Queen's Head Inn and the terminus of Tramway No. 6 at Chalford—

- (1) The lines shall be laid in the position shown on the deposited plans or in such other position as the Board of Trade and the road authority shall approve :
- (2) The lines shall also be laid unless otherwise agreed with the road authority where possible in such a position as will allow a vehicle 10 feet wide to pass clear of the cars :
- (3) If they are laid on the north side of the road between those points excepting where there is an existing footpath on the south side the Company shall excavate the roadside waste and the unmade part of the road abutting on such waste up to the fence on the south side of the road to a depth of 10 inches and shall remove the soil and material excavated and shall hand-pitch the space excavated with local oolite 6 to 8 inches deep and securely wedge the same with spauls On this pitching $2\frac{1}{2}$ inches of broken Chepstow limestone shall be spread and steam-rolled dry To complete the surface a coat of $2\frac{1}{2}$ inches of Clee Hill basalt machine-broken shall be applied and sufficient blindage watered and steam-rolled with a roller weighing not less than 12 tons The whole to be carried out by and at the cost of the Company and to be subject to the approval of the county surveyor and to be completed to his satisfaction.

As to rails
of tramways.

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

Penalty for
not maintain-
ing rails
and roads.

35.—(1) The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the

default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

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36. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the local authority as if the same were a pipe for the supply of gas or water.

Sanitary
authority to
have access
to sewers.

37. 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 Company shall if and where required by the Board of Trade construct a crossover or crossovers connecting the one tramway with the other and by the means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

Crossovers
to be con-
structed in
certain cases.

38. The Company may cut and lop any trees planted in or near any highway along which the tramways are laid which may interfere with the construction or working of the tramways or the trolley wires or with the clear and safe passage of the tramcars and the passengers thereon doing no unnecessary damage to the trees and the Company shall make compensation to any persons who may sustain damage by the exercise of the powers conferred by this section.

Company
may lop trees
overhanging
public high-
way.

39.—(1) The local authority of any district in which any of the tramways are laid down may require the Company to provide and maintain within the district in a situation specified by the authority a waiting room or waiting rooms for passengers and a depôt or depôts for parcels and goods and the Company shall comply with the requirement if it is reasonable.

Waiting
rooms for
passengers
and depôts
for goods.

(2) The Company may with the consent of the road authority for such period and on such terms as the road authority may impose use for that purpose portions of the public streets or roads along which the tramways or any of them are laid.

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(3) If any question arises whether the requirement of the local authority under this section is reasonable or not that question shall be referred to arbitration.

Power to
make addi-
tional cross-
ings &c.

40. The Company may subject to the provisions of this Act with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines for double or single lines on any of the tramways and if at any time after the construction of any of the tramways the road in which the same or any part thereof is laid has been or shall be altered or widened the Company may take up and remove such tramway or part thereof and reconstruct the same in such position as the Board of Trade may approve and the Company may with the like consent make maintain alter and remove such crossings crossovers passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any generating stations stables carriage houses warehouses depôts or works of the Company or for forming junctions with other tramways Provided that in the construction of any such works no rail shall (except with the consent of the Board of Trade) be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owners or occupiers of one third of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

Application
of road
materials
excavated in
construction
of works.

41. Any paving metalling or material excavated by the Company in the construction of the tramways or works from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstatement of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he

may appoint to receive the same at such place as he may direct being not more than one mile distant from the place at which such surplus paving metalling or material is excavated Provided that if within seven days after notice in writing to the surveyor of the road authority that such surplus paving metalling or material is ready for delivery the surveyor shall not appoint a place for the delivery thereof such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

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42. 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 Company for the purposes of mechanical power were parts of the tramways.

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

43. If Tramways Nos. 1 2 5 and 6 are not completed within four years after the passing of this Act and the remaining tramways by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of those respective periods the powers by this Act granted for making or completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed Provided that if Tramway No. 8 is not completed within five years from the passing of this Act the Company shall not oppose any application made for an Act or Provisional Order for authority to lay such tramway.

Periods for completion of tramways.

44. The Board of Trade may if they see fit allow an extension of time for completion of the tramways or as regards some of the tramways or some portion of the tramways only or may direct that the powers of the Company under the immediately preceding section shall cease as regards some of the tramways or some portion of the tramways only and not as regards the whole subject in either case to such conditions (if any) as they may see fit to impose.

Power to Board of Trade to extend periods for completion.

45. The Company may provide and run omnibuses moved by animal or mechanical power in connexion with the tramways when the running of cars on the tramways is impracticable or during the construction alteration or repair thereof or in prolongation of any tramway route the extension of which may be contemplated

Omnibuses in connexion with tramways.

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Provided that in the event of any local authority purchasing any portion of the undertaking in accordance with the provisions of the section of this Act the marginal note of which is "Future purchase by local authority" the power to run omnibuses in this section contained shall be restricted to the district of such local authority.

As to motor cars on the trolley system without rails.

46.—(1) The Company may provide and use in connexion with the tramways motor cars worked on the trolley system without rails along the tramway routes specified in the section of this Act the marginal note whereof is "Power to make tramways" The Company may demand and take tolls and fares as authorised by this Act for the use of the tramways for the use of such motor cars.

(2) All such motor cars run by the Company and the electrical overhead equipment thereof together with the trolley arm or other overhead electrical connexion attached to and running with any such motor car shall be of such form and dimensions as the Board of Trade shall approve.

(3) For the purposes of section 1 of the Locomotives on Highways Act 1896 a motor car to be worked or used on the trolley system without rails shall be deemed to be a vehicle with its locomotive provided that the weight of four tons (unladen) therein stated is not exceeded.

(4) If by reason of the traffic of such motor cars the road authority shall incur any additional expense in repairing or maintaining any road along which such motor cars shall be worked or used having regard to the average expense incurred by the road authority in repairing similar roads in the neighbourhood carrying a similar amount of traffic other than traffic by such motor cars the Company shall pay to the road authority the additional expense so incurred.

(5) Any question which may arise between the Company and the road authority under the provisions of this section shall in default of agreement be settled by an arbitrator to be appointed by the Board of Trade.

As to omnibus service to Nailsworth.

47. If the Company shall not construct Tramways Nos. 3 and 4 contemporaneously with or as soon as Tramway No. 1 has been completed they shall on the completion of Tramway No. 1 establish and thereafter maintain a sufficient service (with through fares) of

omnibuses moved by animal or mechanical power or motor cars worked on the trolley system without rails between Nailsworth and a suitable point on the Company's system until they shall complete Tramways Nos. 3 and 4. A.D. 1903.

IV.—MOTIVE POWER.

48. The carriages used on the tramways may be moved by animal power or subject to the following provisions both they and motor cars worked on the trolley system may be moved by mechanical power (that is to say):— Provisions
as to motive
power.

- (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 and for regulating the use of electrical power:
- (3) The Company or any other company or person using any mechanical power 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 further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:
- (4) The Board of Trade if they are of opinion—
 - (A) That the Company or such other company or 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 Company or such other company or 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 Company or such other company or 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.

A.D. 1903.

Power to
acquire
lands for
generating
stations.

49. The Company may purchase and acquire by compulsion or agreement the lands described in the First Schedule to this Act and may on such lands but not elsewhere construct a station or stations for generating electric power and provide and use dynamos engines and other apparatus and things necessary or proper for the generation of electricity or the working of the tramways thereby and may also on such lands erect maintain and use sidings depôts yards sheds offices and other works and conveniences in connexion with their undertaking.

Special pro-
visions as to
use of elec-
trical power.

50. 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 omnibuses and motor cars :—

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company 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 :
- (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 Company 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 Company 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: A.D. 1903.

(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 arise between the Company and any other party with respect to anything herein-before 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 "Company" in this section shall include licencees and any person owning working or running carriages over any tramway of the Company.

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

52.—(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):— Byelaws by Board of Trade.

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;

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

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;

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For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all 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.

Byelaws by local authority.

53. 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 at which carriages are to be driven or propelled on the tramways under the authority of this Act but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Power to lay and maintain pipes and make openings in streets.

54. The Company may lay and maintain pipes and make openings or ways in or under the surface of any road or street (including the footways thereof) footpath or place in order to lay use and maintain cables ropes conduits electric conductors wires and other apparatus for transmitting motive power for the carriages running on the tramways and the Company may use electric wires and all machinery and apparatus necessary for such motive power Provided that this power shall not authorise or empower the Company to lay down or place any pipe or other works into through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof.

Power to place posts wires &c.

55. Subject to the provisions of this Act the Company may place and maintain in under or over any road or street (including the footways thereof) footpath or public place within any district or parish in which the tramways or any portion thereof are or is situate or where motor cars are intended to be worked on the trolley system without rails such posts brackets and overhead and other electric conductors mains and conduits as they may consider necessary and proper for working the tramways and such motor cars by electrical power Provided that such posts and brackets be of such height and design do not exceed such number and be

placed in such positions as the road authority shall in writing approve. A.D. 1903.

56. If the Company shall discontinue the use of any posts brackets or overhead electric wires placed or maintained in or over any street or road for supplying electrical motive power to the carriages used upon the tramways or to motor cars worked on the trolley system without rails or if the right of the Company to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Company shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such streets and roads to the satisfaction of the road authority and in case of default the road authority may do all things necessary for that purpose and recover the costs and expenses thereof in any court of competent jurisdiction.

Posts &c. to be removed if user discontinued.

57. The Company 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 or of motor cars worked on the trolley system without rails by mechanical power :

Attachment of brackets to buildings.

Provided that—

- (1) Where in the opinion of the Company 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 Company 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) :

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(3) The owner may require the Company 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 rackrent shall be deemed to be the owner.

Agreements for supply of electrical power.

58. The Company may enter into and carry into effect agreements with any local authority company body or person for the time being authorised by Parliament to supply electricity under the Electric Lighting Acts 1882 and 1888 for the supply by such local authority company body or person of electrical energy for the purposes of this Act and for the laying down and execution of the necessary mains conductors feeders and other electrical works but such agreements shall in all respects be subject to the approval of the Board of Trade.

Alteration of telegraph lines of Postmaster-General.

59. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involve or be 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 and in case any such alteration be made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway) without his consent.

For protection of Post Office telegraph lines.

60. In the event of any tramways omnibuses moved by mechanical power or motor cars worked on the trolley system without rails of the Company being worked by electricity or of electric energy being supplied by the Company the following provisions shall have effect :—

(1) The Company 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 Any difference which

arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration : A.D. 1903.

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company 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) Before any electric line is laid down or any act or work for working the tramways omnibuses or motor cars aforesaid by electricity or for the supply of electric energy is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company 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 Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company with respect to any requirements 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 Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company'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 Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company 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 Company pursuant to the Board of Trade regulations :

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- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the 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 Company 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 Company by indictment action or otherwise in relation to any of the matters aforesaid :

(12) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any tramways of the Company or such omnibuses or motor cars as aforesaid. A.D. 1903.

V.—FARES AND RATES.

61. The Company 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 but in no case shall the Company be bound to charge a less sum than one penny. Fares for passengers.

62. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat or to be of a form or description to annoy or inconvenience other passengers. Passengers' luggage.

63. The tramways may be used for the carriage of passengers animals goods minerals articles and things but (subject to the provisions of this Act) the Company shall not be bound to carry animals goods minerals articles or things other than personal luggage as aforesaid carried by passengers and not exceeding twenty-eight pounds in weight. No offensive matters shall be carried on the tramways between the hours of five in the morning and midnight without the consent of the local authority. Company may carry animals goods and other things.

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

In respect of animals conveyed on the tramways—

For every horse mule or other beast of draught or burden fourpence ;

For every ox cow bull or head of cattle threepence ;

For every calf pig sheep or small animal one penny halfpenny :

Animals.

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Goods.

In respect of goods conveyed on the tramways—

For all coal 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 twopence ;

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 tramroad or tramway chairs pipes tubes and plates per ton twopence halfpenny ;

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

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

For every carriage of whatever description one shilling.

Rates for
small parcels
and single
articles of
great weight.

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

For any parcel not exceeding seven pounds in weight threepence ;

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

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

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

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

Provided that no parcel under fifty-six pounds in weight exceed four feet in length or measure more than twelve cubic feet Provided also that articles sent in large aggregate quantities although made up in separate parcels (such as bags of sugar coffee meal and the

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A.D. 1903. 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 in the morning or earlier than five thirty 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 the Company nevertheless not being required to take any fare less than one penny On Saturdays the Company in lieu of running such carriages after five thirty in the evening shall run the same at such times between twelve fifteen and one forty-five 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 Company to provide such service as may appear to the Board to be reasonable.

(3) The Company 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.

As to fares
on Sundays
and holidays.

69. The Company or any other company or person working or using the tramways shall not take or demand on Sundays or any public holiday any higher fares or charges than those levied by them on ordinary week days.

Periodical
revision of
rates and
charges.

70. 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 the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company 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

like) shall not be deemed small parcels but that term shall apply only to single parcels in separate packages : A.D. 1903.

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

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

66. For animals goods minerals articles or things conveyed on the tramways for a less distance than two miles the Company may demand rates and charges as for two miles : Regulations
as to rates
on tramways.

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

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

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

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

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

67. The Company and any company body or person owning or working any railway station or yard for the reception of goods or merchandise having an entrance to any street or road in which any tramway of the Company is laid may enter into and carry into effect agreements and arrangements with respect to the construction by the contracting parties or either of them of a siding or sidings from such tramway into any such station. Power to
make agree-
ments as to
sidings.

68.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are hereby required Cheap fares
for labouring
classes.

writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on 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. A.D. 1903.

VI.—STREET WORKS.

71. Subject to the provisions of this Act and in accordance with the deposited plans and according to the levels shown on the deposited sections the Company may make and execute the street works herein-after described together with all necessary and proper works improvements junctions connexions approaches and conveniences connected therewith or incidental thereto and may enter upon take hold and use such of the lands and buildings delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose and may for the like purpose enter upon open break up and interfere with the streets or roads in this section mentioned. Power to
Company to
make street
works.

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

Work A An alteration of the levels of Rowcroft and the Cainscross Road in the urban district and parish of Stroud such alteration of levels commencing at a point in Rowcroft 2·10 chains measured in a south-westerly direction from the intersection of Russell Street and King Street and terminating in the Cainscross Road at a point 3·10 chains from the commencement of such alteration measured in a south-westerly direction :

Work B A widening of the Nailsworth Road in the parish of Rodborough on the east side of the said road commencing at a point 10·30 chains from the intersection of the Nailsworth Road and Kites Nest Lane and extending in a southerly direction for a distance of 3 chains :

Work C A widening of the Nailsworth Road in the parish of Woodchester on the east side of the said road commencing at a point 2·25 chains to the north of the intersection of the Nailsworth Road and Monastery Hill and extending in a southerly direction for a distance of 3·80 chains :

Work D A widening of the London Road at Bowbridge in the urban district and parish of Stroud on the east side of the said road commencing at the south-east corner of Bowbridge Lane at the junction of such lane with the London Road

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and extending in a south-easterly direction for a distance of 1·85 chains :

Work E A widening of the London Road at Chalford in the parish of Chalford on the south-east side of the said road commencing at a point 0·85 chain to the south-west of the south-west corner of the Queen's Head Inn and extending in a north-easterly direction for a distance of 3·5 chains.

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

72. And whereas in the construction of the street works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

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

73. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Gloucester for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the clerk of the local

authority in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the local authority 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 Company to take the lands and execute the works in accordance with such certificate.

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74. The powers granted by this Act to the Company for the compulsory purchase of lands and buildings for the purposes of the said street works shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

75. If the street works by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company in relation thereto shall cease except as to so much thereof as is completed.

Period for completion of street works.

76. The Company in making the street works by this Act authorised may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding two feet upwards and two feet downwards and they may deviate laterally within the limits of deviation shown on the deposited plans.

Power to deviate.

77.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Company in connexion with the street works authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be interfered with by or be contiguous to such works and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with such works or otherwise.

Power to make subsidiary works.

(2) Subject to the provisions of this Act and the Tramways Act 1870 and for the purposes of the street works the Company may remove alter divert and interfere with any drain sewer or water-course first providing a proper substitute before interrupting the flow of sewage in any drain or sewer and may alter the position of any water pipe or gas pipe belonging to or connected with any building adjoining or near to the site of the street works and any main or other pipe used for carrying water or gas and also (subject nevertheless to the provisions of the Telegraph Act 1878) any post pipe tube wire or apparatus erected or laid down for telegraphic telephonic or other purposes causing as little detriment and

A.D. 1903. — inconvenience as circumstances admit and first providing a proper substitute before interrupting electrical or telephonic communication and making reasonable compensation for any damage caused by them.

Vesting and maintenance of street works.

78. The street works so far as the same affect any public street or road when the same shall respectively have been completed to the satisfaction of the authority in whom the adjacent portions of the street or road are vested shall together with the sites of all houses and all lands laid into and appropriated for streets and the subsoil thereof and the subsidiary works connected therewith be vested in and maintained in repair as public highways subject to the provisions of section 28 of the Tramways Act 1870 by and at the expense of the authority by whom or at whose expense the adjacent streets or roads or portions of streets or roads are repairable.

Purchase of lands by agreement.

79. In addition to the other lands which the Company are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement for the purpose of their undertaking and may hold any lands not exceeding ten acres and they may on such lands and on any other lands purchased or acquired under the authority of this Act erect or construct and hold depôts waiting rooms stables yards wharves offices buildings sidings works and other conveniences in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired by agreement under the powers of this section or authorise the Company to construct any station for generating electric power elsewhere than on the lands described in the First Schedule to this Act.

Restriction on taking houses of labouring class.

80. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions 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. A.D. 1903.

For the purposes of this section—

The expression “house” means any house or part of a house occupied as a separate dwelling; and

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

81. 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 Company 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 easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

VII.—PURCHASE OF TRAMWAYS BY LOCAL AUTHORITY.

82.—(1) In the application of section 43 of the Tramways Act 1870 to the undertaking authorised by this Act the provisions of that section shall be modified as follows:— Future purchase by local authority.

(a) The power of purchase shall be exerciseable only within six months after the expiration of thirty-five years from the passing of this Act or within six months after the expiration of every subsequent period of seven years or within three months after any order made by the Board of Trade under either section 41 or section 42 of the Tramways Act 1870:

(b) The Company shall within six months after the service of a notice under the said section 43 (as modified by this section) sell to the local authority who shall serve the notice so much of the undertaking authorised by this Act as shall

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be situate in the district of that authority (except any lands buildings carriages and other property which the Company may require to retain for the purpose of carrying on other parts of their undertaking and which do not form part of the tramways) upon the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase such value in case of difference to be settled by arbitration Provided that where there shall be any severance of the Company's undertaking through or on account of such sale the Company shall be entitled to compensation for such severance and the arbitrator or umpire as the case may be shall take the same into consideration in fixing the amount of his award Provided further that the arbitrator or umpire shall also take into consideration in fixing the amount of his award the value to the Company of their continued user of the tramways or part thereof as provided by the next succeeding subsection.

(2) At all times after the sale of any part of the tramways to any local authority under the said section 43 as modified by this Act the Company shall have the right to run over and use the part of the tramways so sold with their engines carriages and servants for the purposes of traffic of all kinds and for that purpose to use any posts standards brackets and other apparatus conveniences and works as may be necessary or convenient for carrying electric conductors or other apparatus or otherwise for working the tramways by mechanical power and may demand and take rates and charges for the carriage of persons animals and goods over such part of the tramways not exceeding the rates and charges authorised by this Act and may exercise in respect of such part of the tramways the powers of this Act relating to the working of the tramways by animal and mechanical power Provided that the terms and conditions upon and subject to which the powers conferred upon the Company by this subsection shall be exercised shall be such as shall be agreed between the Company and the local authority purchasing such part of the tramways or as in case of difference shall be determined by arbitration.

(3) Upon the completion of the sale of any part of the undertaking in pursuance of the said section 43 as modified by this Act the obligations imposed upon the Company by this Act with respect to the part of the undertaking sold shall absolutely cease.

(4) Except as may be otherwise agreed between the respective local authorities and the Company in case the Company shall

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not construct the whole of the tramways numbered 1 2 3 4 5 and 6 within the periods mentioned in the section of this Act the marginal note of which is "Periods for completion of tramways" as extended if thought fit under the section of this Act the marginal note of which is "Power to Board of Trade to extend periods for completion" the Stroud Rural District Council and the Stroud Urban District Council or other the local authority or local authorities for the time being for the purpose of such purchase shall jointly have power to purchase so much of the undertaking as lies within their respective districts within six months after the expiration of 21 years from the passing of this Act And in case of the exercise of such power the provisions of subsections (1) (b) (2) and (3) of this section shall apply to such sale Provided always that in no case shall the price to be paid for the undertaking be less than the amount of money which the Company have bonâ fide expended on the undertaking as capital expenditure less a fair allowance for insufficient maintenance and for depreciation For the purposes of this subsection the said district councils shall have full power to investigate the accounts of the Company through an auditor appointed by them and the Company shall afford such auditor all reasonable facilities for such investigation If any difference arises under this subsection the matter in question shall failing agreement be referred to arbitration under this Act.

(5) Such arrangements as may be approved by the Board of Trade shall be made by way of scheme or otherwise for the future maintenance management and working of the several parts of the undertaking in the event of any local authority exercising their right of purchase under the provisions of this section and the sale shall not take effect until an instrument has been properly executed in a form approved by the Board of Trade for carrying into effect such arrangements.

VIII.—MISCELLANEOUS.

83. Notwithstanding anything in this Act the provisions of this section shall apply for the protection of the county council and the ratepayers and inhabitants of the said county unless otherwise agreed in writing between the county council and the Company (that is to say):—

For pro-
tection of
county
council.

(1) The Company shall at their own expense metal the widened portion of any carriageway and footpath (if any)

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which is widened under this Act with the same class of metalling as exists in the main road before it is widened :

- (2) The Company shall at their own expense properly metal or pave so much of any main road whereon any of the tramways are laid as lies between the rails and as extends eighteen inches beyond the rails of and on each side of any such tramway with such metalling or paving as the county council may reasonably approve and the Company shall so long as they shall work the said tramways keep and maintain the same respectively in good repair and condition and all works and materials used in the construction maintenance or alteration of the said roads lying adjacent to the said tramways shall be reasonably approved by the county council and in the event of any subsequent deviation or alteration of the said tramways the consent of the county council shall be obtained before such deviation or alteration is made :
- (3) A double line of rails shall not be laid over any county bridge without the previous consent of the county council under the hand of the county surveyor :
- (4) The provisions of this section may be enforced by the county council notwithstanding that the main road or bridge in question is within a borough or urban district the council of which has given notice under section 11 of the Local Government Act 1888 to retain the powers and duties of maintaining and repairing the main roads within its district :
- (5) The Company shall not during the alteration of the level of any main road or footpath unnecessarily interrupt the drainage thereof and they shall make provision for the effectual drainage of all such roads and footpaths as are altered by the Company and the county council shall afford every reasonable facility for effecting such drainage :
- (6) Notwithstanding anything in the Tramways Act 1870 contained the county council shall in respect of the tramways constructed on main roads in the county of Gloucester be deemed to be the local authority within the meaning and for the purposes only of section forty-three (Future purchase of undertaking by local authority) and of section forty-six (Byelaws by local authority) of the Tramways Act 1870 and that part of the said county in which such main roads are situate shall be deemed to be the district of the county council in relation to the tramways authorised to be laid

on such main roads and the county council may in respect of such tramways exercise the powers vested in local authorities by section nineteen (Local authority may lease or take tolls) and section forty-four (Power of sale) of the Tramways Act 1870 in connexion with such tramways Provided always that the powers conferred upon the county council under this section shall only be exercised with the consent in writing of the local authority of the district in which the tramways proposed to be purchased are situate and if such consent is not given the local authority of the district shall remain the local authority for the aforesaid purposes of the Tramways Act 1870 :

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- (7) The Company shall pay to the county council any reasonable costs incurred by them in and about the supervision of any work the supervision or execution of which by them is provided for by this Act in so far as such supervision is not performed by the salaried officials of the county council in the ordinary course of their duties but such costs shall not be deemed to include costs beyond ordinary supervision :
- (8) Any question which may arise between the county council or their surveyor and the Company with reference to this section or anything to be done or not to be done under this section shall be determined by arbitration.

84. Notwithstanding anything in this Act the provisions of this section shall apply for the protection of the Stroud Urban District Council (in this section called "the council") and the ratepayers and inhabitants of the urban district of Stroud (in this section called "the district") unless otherwise agreed in writing between the council and the Company (that is to say) :—

For pro-
tection of
Stroud
Urban Dis-
trict Council.

- (1) In this section the following words and expressions shall have the following meanings respectively (that is to say) "the surveyor" shall mean the surveyor to the council "the tramway track" shall mean that part of any highway within the district (including roads or roadways over bridges) which the Company are required to maintain and repair by section 28 of the Tramways Act 1870 "the said tramways" shall mean so much of the tramways as lies within the district :
- (2) The Company shall at their own expense pave or metal and maintain the tramway track with such material at the reasonable option of the council to be signified in writing to

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the Company within three weeks after written notice from the Company of their intention to commence the work to the reasonable satisfaction of the surveyor. The Company shall not carry out the works A and D described in the section of this Act whereof the marginal note is "Power to Company to make street works" until they have agreed with the council upon the manner and line in which such widenings and alterations shall be carried out:

- (3) Before commencing to construct any part of the said tramways in any road the Company shall deliver to the council a plan showing where it is proposed to construct the same as a single line or as a double line or as an interlacing line or otherwise and showing the proposed position thereof in the road and if a single or interlacing line the proposed position of the passing places:
- (4) If the council have any objection to the construction of the said tramways in accordance with such plan they may give notice thereof in writing to the Company and any difference between the Company and the council shall be determined by the Board of Trade. Provided that if the council do not give such notice to the Company within twenty-one days after the delivery of the plan they shall be taken to have agreed:
- (5) The Company shall carry out the alteration of the levels of Rowcroft and the Cainscross Road and complete the same and any street road and carriageway widenings and all works connected therewith according to such plans drawings and specifications as shall have been reasonably approved of by the surveyor and under his superintendence and to his reasonable satisfaction in all respects:
- (6) The Company shall before completion of the works within the district lay before the council a description with proper plans and drawings of the cars and other rolling stock proposed to be used by the Company and also a statement showing the method of using electric motive power proposed to be adopted:
- (7) The Company at the time of giving notice to the council of their intention to open or break up the roads for the purpose of constructing laying down maintaining and renewing any of the said tramways shall also submit to the council a plan and section showing the proposed mode of constructing laying down maintaining and renewing the same and a statement

of materials intended to be used therein and the Company shall not commence such works or any of them until such last-named plan section and statement have been approved of by the surveyor in writing such approval not to be unreasonably withheld and after such approval the works shall be executed in accordance with such plan section and statement as so approved and to the reasonable satisfaction of the surveyor. If the surveyor shall not signify his disapproval of such plan section or statement before the expiration of twenty-one days from the delivery thereof to him he shall be deemed to have approved them. All notices plans sections and statements shall be deposited with the council twenty-one days at least before the commencement of the works specified or shown therein :

- (8) If the said tramways shall pass over or interfere with any manhole surface or foul-water sewer or pipe which in the opinion of the surveyor it would be dangerous or inconvenient to retain in its position under the said tramways the Company shall at their own expense take up such manhole surface or foul-water sewer or pipe and relay or replace the same in such part of the road not occupied by the said tramways as the surveyor shall indicate and to his reasonable satisfaction :
- (9) The tramcars shall be stopped at a reasonable number of points in the district to be approved by the council and they shall not be unduly delayed at such points so as to cause an obstruction to the general traffic :
- (10) The Company shall erect all posts or standards rosettes or wall plates which are required for the purpose of carrying the overhead wires within the district in such positions and of such heights and of such design as shall be reasonably approved by the surveyor and if in any case the surveyor considers that for the convenience or safety of the public or of the frontagers to any road rosettes or wall plates should be fixed in lieu of posts and standards the Company shall use their best endeavours to obtain the requisite permission to affix such rosettes or wall plates instead of posts and standards and a reasonable proportion of such posts shall be suitable for carrying electric lamps for the proper lighting of the roads. The Company shall at all times allow the council to use the said standards and posts for the electric

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lighting of the roads on reasonable terms provided that such user by the council shall not in any way hinder the efficient working of the said tramways by electric traction. The Company shall deliver to the council a plan showing the position in which it is proposed to lay any underground cableways or cables and no work shall be commenced in connexion with the laying of any such cableways or cables until such plan has been approved by the surveyor in writing under his hand which approval shall not be unreasonably withheld and notice of his approval or disapproval shall be given within twenty-one days from the delivery of the plan and if not so given he shall be deemed to have approved the same :

(11) If and whenever the council shall have altered or widened any road or part of a road in which any of the said tramways or part of the said tramways is laid or have executed any works rendering it necessary the council may (if they think fit) having given at least one month's previous notice in writing to the Company require the Company to alter any such tramway or part of the said tramways or to remove the same to such position as the council may require and the Company shall subject to the approval of the Board of Trade with all reasonable dispatch proceed to alter or remove such tramway or part of a tramway accordingly at their own expense and without any claim for compensation against the council in respect of such removal or alteration for any loss of traffic or otherwise consequent thereon :

(12) If the Company do not at once take away any snow or other matter removed by them in accordance with the provisions of the section of this Act the marginal note of which is "As to removal of snow &c." from the following streets namely King Street Rowcroft Cainscross Road so far as Merrywalks Russell Street George Street London Road so far as Union Street and Lansdown so far as the School of Art the council shall be at liberty to remove the same and recover the cost from the Company :

(13) If any dispute or difference shall arise between the council and the Company concerning any matter or thing herein contained or referred to or as to the reasonableness of any requirement of the surveyor or of the council or as to the rights duties or liabilities of either party hereunder then

and in every such case the dispute or difference shall be referred to an arbitrator to be appointed on the application of either party by the Board of Trade and the arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

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85. For the protection of the trustees under the will of Edwin Francis Gyde deceased or other the owner or owners for the time being of the Ebley House Estate in the county of Gloucester (all of whom are in this section included in the expression "the owners") the following provisions shall unless otherwise agreed between the owners and the Company be observed and have effect (that is to say) :—

For protection of trustees of Edwin Francis Gyde deceased.

(1) The Company shall not construct Tramway No. 2 along that portion of the Stonehouse Road upon which the Ebley House Estate abuts nor run motor cars on the trolley system without rails along such portion of the said road unless and until they shall have widened the same between the kerbs by setting back the existing footpath on the south side thereof For the purpose of such setting back of the footpath and of such road widening the Company shall purchase from the owners a strip of land on the south side of the said road commencing at the pillar in the wall 29 feet or thereabouts to the westward of the centre of the principal entrance gates of Ebley House and extending therefrom for a distance of 114 feet or thereabouts in a westerly direction on a curve to be approved by the owners which shall be such that the land thrown into the road shall not exceed 40 yards in superficial area and shall not exceed 4 feet 6 inches in width at the widest point The portion of the existing footpath set back by the Company shall be reconstructed of the same width as the existing footpath and the superficial area of the land added to the roadway shall be equal in amount to that purchased from the owners :

(2) The owners shall sell to the Company the land required for such widening at such price as may be agreed not exceeding 1*l.* per square yard and the Company shall in addition to the price of the land pay to the owners the cost of rebuilding and reinstating the boundary wall and fence of the land retained by the owners or at the option of the Company shall rebuild and reinstate the same in the

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same style and character to the reasonable satisfaction of the architect of the owners. The Company shall also pay all costs charges and expenses incurred by the owners in connexion with or incidental to the ascertaining of the sum to be paid for the land and the cost of rebuilding or of superintending the rebuilding of the said wall. The title of the owners to the said land shall commence with the will of the said Edwin Francis Gyde deceased who shall be deemed to have been seised in fee simple thereof :

- (3) Throughout the distance for which the Ebley House Estate abuts upon the southern side of the Stonehouse Road the tramway shall be laid along the north side thereof strictly in accordance with the deposited plans :
- (4) The Company shall not run tramcars nor cars on the trolley system without rails proceeding in an easterly direction from a point 100 yards on the western side of the main entrance to Ebley House aforesaid to a point 30 yards eastwards from such main entrance at a greater speed than 8 miles an hour nor in a westerly direction from a point 100 yards on the easterly side of the main entrance to Ebley House to a point 30 yards westwards from such main entrance at a greater speed than 10 miles an hour :
- (5) In case of any difference arising between the owners and the Company with reference to the provisions of this section or in any way arising thereout such difference shall be settled by arbitration.

For protec-
tion of Mid-
land Railway
Company.

86. For the protection of the Midland Railway Company (herein-after in this section called "the Midland Company") the following provisions shall apply and have effect :—

- (1) So much of Tramway No. 4 as will pass over the bridge carrying the Nailsworth Road over the Midland Railway and so much of Tramway No. 3 as will pass under the bridge carrying the Midland Railway over Light Pill Road shall be so constructed and maintained as not injuriously to affect the structure of the said bridges or the approaches piers and abutments thereof respectively :
- (2) In the event of any injury being caused to the said bridges or the approaches piers or abutments thereof by the construction maintenance repairing user or removal of any of the tramways by this Act authorised or the works in connexion therewith the Midland Company may at the expense

of the Company restore such bridges or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the Midland Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge as the Company are liable to maintain and repair under section 28 of the Tramways Act 1870 :

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- (3) Whenever and so often as the Midland Company shall require to widen lengthen strengthen reconstruct alter or repair such bridges or to widen or alter their railways and it shall be necessary for effecting any of such purposes that the working and user of the tramways over or under such bridges should be wholly or partially stopped or delayed or that such tramways should be temporarily diverted or wholly or in part taken up or removed and shall except in cases of emergency give to the Company fourteen clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Company and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as it may be absolutely necessary for effecting such purpose and without the Midland Company being liable for any compensation claims and demands charges costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :
- (4) In case it shall be found that any such strengthening is necessary owing to the carriages or other vehicles on any of the tramways being or being intended to be moved by steam electrical or any mechanical power such strengthening shall be effected in all things at the expense of the Company who shall also pay to the Midland Company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations and repairs by reason of the existence of the tramways so passing or any of the works connected therewith :
- (5) In the event of any of the telegraphic telephonic or electrical signal communications of the Midland Company being at any time injuriously affected by the working and use of the said tramways by electricity the Company shall at

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their own expense execute such remedial works as may be necessary for the protection of the Midland Company any difference arising between the Company and the Midland Company regarding such remedial works to be determined by arbitration as hereafter provided :

- (6) All works which may be necessary in constructing and maintaining any of the tramways or working the same by mechanical power over or under the said bridges works or property of the Midland Company shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the Midland Company in such manner and according to plans sections and specifications to be previously submitted to and reasonably approved by him :
- (7) The Company shall not for the purpose of electric traction make attachments to any part of the said bridges without the consent in writing of the principal engineer of the Midland Company (which consent shall not be unreasonably withheld) such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connexion with the maintenance reconstruction or alteration of the said bridges :
- (8) Any dispute or difference that may arise between the Midland Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be nominated by the Board of Trade on the application of the Company or the Midland Company and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protec-
tion of Great
Western
Railway
Company.

87. For the protection of the Great Western Railway Company (in this section referred to as "the Great Western Company") the following provisions shall apply and have effect (that is to say) :—

- (1) In this section the word "apparatus" includes posts brackets electric wires conductors apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the said tramways and includes also any subways tunnels tubes openings excavations channels and pipes for the purposes of such apparatus ;

- (2) So much of Tramway No. 1 as will pass under the bridge carrying the Great Western Railway over Rowcroft shall be so constructed and maintained as not injuriously to affect the structure of the said bridge or the piers and abutments thereof respectively :
- (3) In the event of any injury being caused to the said bridge or the piers or abutments thereof by the construction maintenance repairing or user of the said tramway or the works in connexion therewith the Great Western Company may at the expense of the Company restore such bridge or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned :
- (4) If and whenever the Great Western Company shall require to widen lengthen strengthen reconstruct alter repair or paint such bridge in order to ensure the safety of the workmen employed in widening lengthening strengthening reconstructing or painting such bridge the Company shall cut off the electric current from the trolley wires at such times as shall be reasonably required for such purpose unless the Company shall have previously adopted some other means of protection to the said workmen :
- (5) All works which may be necessary in constructing and maintaining the said tramway or working the same by mechanical power under the said bridge or works of the Great Western Company shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the Great Western Company in such manner and according to plans sections and specifications to be previously submitted to and reasonably approved by him :
- (6) The Company shall not for the purposes of electric traction attach any apparatus to any part of the said bridge without the consent in writing of the said engineer of the Great Western Company (which consent shall not be unreasonably withheld) such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connexion with the maintenance reconstruction alteration or painting of the said bridge :
- (7) Any dispute or difference arising under the powers of this section shall be referred to an arbitrator to be appointed on the application of either party by the Board of Trade.

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Service of
cars.

88.—(1) The Company shall at all times after the opening of the tramways or any portion thereof for public traffic provide such service of cars as may be reasonably required in the public interests.

(2) If complaint is made to the Board of Trade by any local authority that a proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day on which they fail to comply with any order made by the Board of Trade under this section.

Agreements
between
Company
and local or
road autho-
rity.

89. The Company may subject to the provisions of this Act from time to time enter into agreements with the local or road authority with respect to the forming laying down maintaining renewing repairing working and using of the tramways and the rails plates sleepers posts wires apparatus and works connected therewith and with respect to the street works by this Act authorised and for facilitating the passage of carriages and traffic over and along any roads or streets upon or along which any of the tramways are intended to be laid or any part thereof.

Working
agreements
&c.

90.—(1) Subject to the provisions of this Act the Company may enter into and carry into effect rescind and renew agreements with any local authority company body or person authorised (whether expressly or otherwise) to enter into such agreements and owning or working any light railway or tramway connecting with the tramways with respect to the following purposes or any of them (that is to say) :—

The use working running over management and maintenance of and the making of necessary junctions with the tramways and the conveyance of traffic thereon ;

The payments to be made and the conditions to be performed with respect to the matters aforesaid ;

The management regulation interchange collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting parties ;

The fixing collection payment appropriation apportionment and distribution between the contracting parties of the rates income and profits levied taken or arising from the undertakings of the contracting parties or any part thereof.

(2) Any such agreement shall be submitted to and shall be subject to the approval of the Board of Trade.

91. The Company may within the parishes and districts traversed by the tramways and with the consent of the local authorities affected supply electric energy in bulk to any local authority or other authority who may be authorised to distribute electricity or work tramways or light railways company body or person desirous of obtaining such a supply upon such terms and conditions as may be mutually agreed Provided that no such supply shall be afforded by the Company within the area of supply of the Gloucestershire Electric Power Company without the consent of that company being first obtained.

A.D. 1903.
Supply of
energy in
bulk.

92. Subject to the provisions of this Act the Company may during the execution of any of the works by this Act authorised with the consent in writing of the local authority in whose district any road or bridge shall be situate stop up temporarily the carriage-way or footway of any road or bridge as they think necessary and for that purpose may put up bars posts and other erections.

Stoppage of
roads during
execution of
works.

93. The Company shall forthwith to the satisfaction of the road authority repair and reinstate so much of the road along which the tramways shall be constructed as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the tramways or any part thereof Provided that if the Company fail to comply with the provisions of this section the road authority if they think fit may themselves at any time after seven days' notice to the Company do the works necessary for the repair and maintenance or restoration of the road to the extent in this section above mentioned and the expense incurred by the road authority in so doing shall be repaid to them by the Company.

Repair of
roads dam-
aged by con-
centration of
traffic.

94.—(1) Where any of the tramways are laid upon the unmetalled or waste land at the side of any road the Company shall construct and maintain the same—

As to laying
of tramways
on roadside
wastes.

- (A) so that the rails are flush with the surface of the ground ;
- (B) so as to avoid to the reasonable satisfaction of the road authority any interference with the proper drainage of the road ; and
- (C) so as not to cut off convenient access across the tramway from the road to any land adjoining and the Company shall wherever necessary make and maintain metalled crossings and provide guard rails.

(2) If the construction of any of the tramways upon such unmetalled or waste land involves any interference with or removal

A.D. 1903. — of any footpath thereon the Company shall bear the expense of making up another footpath in such sufficient manner (having regard to the footpath interfered with or removed) and upon such side of the road as the road authority may reasonably require. Provided that the Company shall not be required for the purpose to acquire any land or to construct any culvert.

(3) If any difference arises under this section between the Company and the road authority or the owner or occupiers of any such adjoining land as aforesaid that difference shall be referred to arbitration.

Company to repair injury caused by heavy traffic.

95. Any injury which may be done to any road or bridge on which any of the tramways shall be laid in consequence of heavy weights being carried by the Company on such tramway or otherwise in consequence of such tramway being laid on such road or bridge shall be made good by the Company or if the road authority so desire by that authority at the reasonable cost of the Company and any question which may arise between any road authority and the Company touching anything contained in this section shall be determined by arbitration.

As to subsidence of road.

96. A local or road authority shall not be responsible to the Company for any damage sustained by the Company in consequence of any road subsiding after the construction or re-laying of any sewer drain gas or water main or any other pipes and apparatus has been completed and the ground above the same filled in provided such work shall have been executed with all reasonable care and in a proper and workmanlike manner. If any question arises as to the mode in which the work is executed that question shall be referred to arbitration.

As to removal of snow &c.

97. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Company shall 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 the Company shall not use salt or other unsuitable material for thawing the snow on any road. Provided that any snow or other matter removed by the Company from the tramways shall not be allowed to remain on the road but shall be at once taken away by the Company.

Strengthening and alteration of bridges.

98. If in consequence of the construction or user of the tramways by the Company it shall be necessary to strengthen or otherwise alter any bridge or culvert over which they pass the

reasonable expense incurred by any road authority in effecting such strengthening or alteration shall be repaid to them by the Company and any question which may arise between any road authority and the Company with respect to anything contained in this section shall be determined by arbitration. A.D. 1903.
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99. Subject to the provisions of this Act and of any regulations made under this Act by the Board of Trade and of any byelaws for the time being in force with respect to the tramways any local authority or road authority may at such times and in such manner as they think fit between the hours of twelve at night and five in the morning but so as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways and after giving due notice to the Company of their intention so to do use the tramways within the district of such local authority or upon any road under such road authority as the case may be with carriages having flanged or other suitable wheels and moved by horses or otherwise for the removal of house refuse and for the conveyance of scavenging stuff road metal and other materials required by the works of such authority free of all tolls and charges in respect of such use Subject as aforesaid any such authority may enter into agreements with the Company for the purposes of this section and such authority shall have power to form connexions between the tramways and any yards or works belonging to such authority Provided that in the construction of any such connexion no damage shall be done to the tramways and they shall have first submitted to the Company plans showing such connexions or works and the mode of constructing the same and if any difference arises as to such plans or the mode of constructing such works that difference shall be referred to arbitration Provided that such authority shall not save by agreement with the Company be entitled to use or employ for such purposes any carriages trucks horses electric current or other motive power or officers and servants of the Company Provided also that such authority shall indemnify the Company against any damage done to the permanent way by such use. Local and road authorities may use tramways for certain purposes.

100. 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. Recovery of penalties.

101. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any tramway of the Company or for or in connexion with the Penalty for malicious damage.

A.D. 1903. — working of any car worked on the trolley system without rails anything which is calculated to obstruct or interfere with the working of such tramway or car 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 tramway or car of the Company shall be liable to a penalty not exceeding twenty pounds.

Orders &c.
of Board of
Trade.

102. 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.

Form and
delivery of
notices.

103. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect (that is to say):—

(1) Every notice shall be in writing and if given by the Company or by any local authority or any road authority shall be signed by their secretary clerk or engineer:

(2) Any notice to be delivered by or to the Company to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office or place of business of the Company or of that authority body or company as the case may be or by being sent by post in a prepaid letter addressed to their respective secretary clerk or engineer at their principal office or place of business.

Tramway de-
posit fund not
to be repaid
except so far
as tramways
are opened.

104. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of six thousand six hundred and forty-one pounds seventeen shillings and sevenpence two and three-quarters per centum consolidated stock being equivalent to the sum of six thousand one hundred and eighty-one pounds one shilling and elevenpence has been transferred into the name and with the privity of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act of which sum six thousand one hundred and twenty-eight pounds seventeen shillings and fourpence represents five per centum upon the amount of the estimate in respect of the tramways originally proposed to be authorised by the Bill for this Act and the remainder (hereinafter referred to as "the street works deposit fund") that is to say fifty-two pounds four shillings and sevenpence represents four

A.D. 1903.

per centum upon the amount of the estimate for the street works And whereas Tramways Nos. 9 and 10 as originally proposed are not authorised by this Act and the sum of two thousand two hundred and forty-two pounds two shillings and elevenpence (part of the said sum of six thousand one hundred and twenty-eight pounds seventeen shillings and fourpence) is attributable to the said tramways And whereas the sum of three thousand eight hundred and eighty-six pounds fourteen shillings and fivepence being the balance of the said sum of six thousand one hundred and twenty-eight pounds seventeen shillings and fourpence is equal in value to five per centum on the amount of the estimate of the tramways by this Act authorised and is referred to in this Act as "the tramway deposit fund" Be it enacted that notwithstanding anything contained in the said Act the tramway deposit fund shall not be paid or transferred to or on the application of the person or persons or to the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers And if the Company shall make default in so opening the tramways the tramway deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the tramway deposit fund which bears to the whole of the tramway deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the High Court shall on the application of the depositors order the portion of the tramway deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

105. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the tramway deposit fund or so much thereof

Application
of tramway
deposit fund.

A.D. 1903. — as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the tramway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the tramway deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the tramway deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall as and when the same become payable be paid to or on the application of the depositors.

Release of
portion of
deposit
money.

106. On the application of the depositors at any time after the passing of this Act the High Court may and shall order that the said sum of two thousand two hundred and forty-two pounds two shillings and elevenpence referred to in the section of this Act whereof the marginal note is "Tramway deposit fund not to be repaid except so far as tramways are opened" as having been deposited in respect of the Tramways Nos. 9 and 10 originally proposed but not authorised by this Act or such amount of two and three-quarters per centum consolidated stock as is equivalent thereto and the interest and dividends on the said sum and the street works deposit fund and the interest and dividends thereon

shall be paid or transferred to the depositors or any other person or persons whom the depositors may appoint in that behalf. A.D. 1903.

107. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any moneys by this Act authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

Power to pay interest out of capital during construction.

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed ten thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E) The accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any

A.D. 1903. — shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

108. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Consents of
local or road
authority.

109. Where the consent of any local or road authority is by this Act required before the exercise of any powers by the Company such consent shall not be unreasonably withheld and if any difference arises as to whether any consent is unreasonably withheld that difference shall be referred to an arbitrator to be appointed by the Board of Trade.

Arbitration.

110. Where any question is to be referred to or determined by arbitration under this Act or under the provisions of the Tramways Act 1870 incorporated with this Act that question shall be referred to the Board of Trade or if the Board of Trade think fit to an engineer or other fit person appointed by the Board and for the purpose of the determination of any such question either by the Board or by a person appointed by them and of the determination of any other matter under this Act by the Board the Board of Trade Arbitrations &c. Act 1874 shall apply.

Provision as
to general
Tramways
Acts.

111. Nothing in this Act contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges authorised by this Act.

Costs of Act.

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

SCHEDULES referred to in the foregoing Act.

A.D. 1903.

THE FIRST SCHEDULE.

LANDS FOR THE GENERATION OF ELECTRICITY.

A piece of land in the urban district and parish of Stroud containing 1.75 acres or thereabouts being part of a field numbered 152 on the $\frac{1}{2500}$ Ordnance map (2nd edition 1902) of the said parish belonging or reputed to belong to Charles William Rushworth Ward and in the occupation of Cornelius Williams bounded by the London Road on the north-east by the towing-path of the Thames and Severn Canal and by dye-houses and premises (called Arundell Mill) in the occupation of Messrs. Gyde Bishop and Co. on the south-west by land of the Midland Railway Company on the north-west and by land of John Tuppen Woollright on the south-east.

A piece of land in the urban district and parish of Stroud containing 6.853 acres numbered 104 on the $\frac{1}{2500}$ Ordnance map (2nd edition 1902) for the said parish belonging or reputed to belong to Samuel Jefferies and in his occupation bounded by the Cainscross Road on the north the Stroud Water Canal on the south land belonging to John William Lane on the east and land belonging to John Baxter on the west.

THE SECOND SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY
BE TAKEN.

Number on deposited Plans.	Parish.
45	Stroud
54	Chalford
57	Chalford

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