

**CHAPTER xcvi.iii.**

An Act to empower the Hastings Tramways Company to construct extension tramways in the county borough of Hastings and for other purposes. A.D. 1903.
[21st July 1903.]

WHEREAS the Hastings Tramways Company (in this Act called "the Company") were incorporated by the Hastings Tramways Act 1900 (hereinafter called "the Act of 1900") and were authorised to make and maintain tramways and other works in the county borough of Hastings and to raise capital for those purposes :

And whereas by the Bexhill and Saint Leonards Light Railway Order 1900 (which was confirmed by the Board of Trade before the Act of 1900 received the Royal Assent) the Bexhill and Saint Leonards Light Railway Company were by that Order incorporated and authorised to make and maintain certain light railways partly situate in the borough of Hastings but not connected with the said tramways :

And whereas by the Act of 1900 the undertaking of the Bexhill and Saint Leonards Light Railway Company was transferred to and vested in the Company :

And whereas by the Hastings Tramways (Extension of Time) Act 1902 (hereinafter called "the Act of 1902") the periods limited by the Bexhill and Saint Leonards Light Railway Order 1900 for the taking of lands and for the construction of the said light railways were extended so as to make the periods coincide with those limited by the Act of 1900 :

And whereas the Company have not raised any capital or borrowed any money on mortgage under the Act of 1900 :

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And whereas it is expedient that the Company should be empowered to construct the extension tramways in this Act described so as to connect the said light railways with the tramways authorised by the Act of 1900 and to permit the whole to be worked as one undertaking :

And whereas it is expedient that the period so limited for the taking of lands should be extended as by this Act provided and that the other powers in this Act mentioned or referred to be conferred upon the Company and that the Act of 1900 and the Act of 1902 should be amended as in this Act provided :

And whereas it is expedient that the mayor aldermen and burgesses of the county borough of Hastings (in this Act called "the corporation") should be empowered to purchase the extension tramways upon and subject to the conditions hereinafter contained and that the provisions of the Tramways Act 1870 as to the period of such purchase should be modified accordingly :

And whereas plans and sections showing the lines and levels of the extension tramways by this Act authorised and a book of reference to those plans have been deposited with the clerk of the peace for the eastern division of the county of Sussex and are in this Act referred to respectively as the deposited plans sections and book of reference :

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

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

Short title
and con-
struction.

1. This Act may be cited for all purposes as the *Hastings Tramways (Extensions) Act 1903* and the Act of 1900 the Act of 1902 and this Act may be jointly cited as the *Hastings Tramways Acts 1900 to 1903*.

Incorporation
of
general Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) :—

(1) The provisions of the *Companies Clauses Consolidation Act 1845* with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls; A.D. 1903.
The forfeiture of shares for non-payment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of the shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act:

(2) Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by subsequent Acts:

(3) Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 provided that section 43 (Future purchase of undertaking by local authority) shall apply only subject to the variation made by section 80 of the Act of 1900 and this Act:

Provided that 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 alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General. The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

3. Subject to the provisions of this Act the Company may make form lay down work use and maintain 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 the extension tramways hereinafter described with all proper rails plates posts tubes wires apparatus depôts works and conveniences connected therewith as may be necessary or proper therefor. Power to
make tram-
ways.

The extension tramways hereinbefore referred to and authorised by this Act will be wholly situate in the county borough of Hastings in the county of Sussex and are—

Tramway No. 1 (double line throughout) 1 mile 6 furlongs 7·00 chains in length commencing at a point in the centre

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of the road opposite Grosvenor Crescent Saint Leonards by a junction with the authorised tramway or light railway of the Company at its termination at a point 2·50 chains or thereabouts measured in an easterly direction from the intersection of the centre line of Grosvenor Crescent and Grosvenor Gardens passing thence in an easterly direction along the sea front into and along the Marina Grand Parade Eversfield Place Verulam Place White Rock and Robertson Street and terminating in the last-named street or Cambridge Road by a junction with the authorised tramways of the Company at a point 0·30 chain or thereabouts measured in a westerly direction from the north-west corner of the Albert Memorial :

Tramway No. 2 7 furlongs 8·20 chains in length commencing in Grand Parade by a junction with Tramway No. 1 at a point 0·80 chain or thereabouts west of the intersection of London Road and Grand Parade passing thence into and along London Road and terminating therein at a point 1·00 chain or thereabouts north of the intersection of Saint Matthew's Road and London Road ;

Tramway No. 2 will be a double line except between the following points where it will be a single line In London Road from a point 1·20 chains or thereabouts south of the intersection of Brittany Road and London Road to a point 4·40 chains or thereabouts south of the intersection of Tower Road and London Road From a point 1·40 chains or thereabouts south of the intersection of North Road and London Road to a point 2·00 chains or thereabouts south of the intersection of Saint Matthew's Road and London Road :

Tramway No. 2A (double line throughout) 1·30 chains commencing in Grand Parade by a junction with Tramway No. 1 at a point 0·80 chain or thereabouts east of the intersection of London Road and Grand Parade passing into and terminating in London Road at a point 0·80 chain or thereabouts north of the said intersection of London Road and Grand Parade.

The Company shall not commence the construction of the extension tramways authorised by this Act until the whole of the tramways authorised by the Bexhill and Saint Leonards Light Railway Order 1900 and the Act of 1900 shall have been completed

and opened for traffic Provided that Tramway No. 1 shall not be constructed on the overhead system. A.D. 1903.

4. The following sections of the Act of 1900 and of the Act of 1902 are hereby incorporated with and form part of this Act and shall extend and apply to the extension tramways and to the Company in respect thereof as fully and effectually as if those sections had been re-enacted in this Act with reference thereto (that is to say):—

Incorporating provisions of Acts of 1900 and 1902.

ACT OF 1900.

- Section 12 (Power to grant easements &c.);
- Section 15 (Inspection by Board of Trade);
- Section 18 (Gauge of tramways);
- Section 19 (Tramways to be kept on level of surface of road);
- Section 20 (Plans of proposed mode of construction of tramways);
- Section 21 (Design of cars);
- Section 22 (As to rails of tramways);
- Section 23 (Penalty for not maintaining rails and roads);
- Section 24 (Company to keep lines free from snow);
- Section 25 (Corporation to have access to sewers);
- Section 28 (Passing places to be constructed where less than nine feet six inches width left between footway and tramway);
- Section 29 (Temporary tramways may be made where necessary);
- Section 30 (Application of road materials excavated in construction of works);
- Section 35 (Passengers' luggage);
- Section 36 (Animals and goods);
- Section 37 (Company not bound to carry goods);
- Section 40 (As to fares on Sundays and holidays);
- Section 41 (Periodical revision of rates and charges);
- Section 42 (Corporation may use tramways for certain purposes);
- Section 43 (Byelaws by Board of Trade);
- Section 44 (Byelaws by local authority);
- Section 45 (Amendment of the Tramways Act 1870 as to byelaws by local authority);
- Section 46 (Recovery of penalties);
- Section 47 (Orders regulations &c.);

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- Section 48 (Provisions as to motive power);
 - Section 49 (Power to lay and maintain pipes and make openings in streets);
 - Section 50 (Special provisions as to use of electrical power);
 - Section 51 (Power to place posts wires &c.);
 - Section 52 (Corporation to have right to use standards and brackets for lighting);
 - Section 53 (Posts &c. to be removed if user discontinued);
 - Section 54 (For protection of the Postmaster-General);
 - Section 55 (Mechanical power works to be subject to section 30 of Tramways Act 1870);
 - Section 59 (Receipt in case of persons not sui juris);
 - Section 61 (Mortgages to comprise purchase money paid on compulsory sale);
 - Section 62 (Indorsement of power of future purchase by corporation);
 - Section 64 (Company not to create debenture stock);
 - Section 65 (Application of moneys);
 - Section 73 (Power to pay interest out of capital during construction);
 - Section 80 (Power to corporation to purchase compulsorily);
 - Section 81 (Right of pre-emption to corporation);
 - Section 82 (Agreements with corporation);
 - Section 83 (Agreements with corporation as to supply of electrical energy):

ACT OF 1902.

- Section 4 (For protection of Postmaster-General);
- Section 5 (Restriction on taking houses of labouring class);
- Section 7 (Cheap fares for labouring classes):

And in construing the said sections for the purposes of this Act the expressions "the tramways" and "the undertaking" shall mean the extension tramways by this Act authorised and the expression "the commencement of this Act" shall mean the commencement of this Act.

5. Section 6 of the Act of 1902 is hereby amended by inserting the words "that is to say the Company may with the consent of the corporation which shall not be unreasonably withheld" after the words "tramways authorised by the Act of 1900" and that section as so amended shall apply to the extension tramways as if "the tramways" meant the extension tramways.

Amendment
of section 6
of Act of
1902.

6. If the extension tramways by this Act authorised be not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

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Period for completion of extension tramways.

7. The period limited for the compulsory purchase of lands by section 3 of the Hastings Tramways (Extension of Time) Act 1902 shall be extended and shall expire on the thirty-first day of December one thousand nine hundred and three.

Extension of period for taking of lands.

8. The Company may demand and take for every passenger travelling upon the extension tramways or partly upon the extension tramways and partly upon the tramways authorised by the Act of 1900 including every expense incidental to such conveyance a fare not exceeding the following amounts for every journey between the terminal or any intermediate points on the stages hereinafter mentioned save that where such intermediate points are also situate between the terminal points of a shorter stage only the fare for the shorter stage may be taken:—

Fares for passengers.

Between the Albert Memorial and the Victoria Hotel - - - -	One penny.
Between the Albert Memorial and the west end of Grosvenor Crescent - -	Twopence.
Between the south end of London Road Saint Leonards and the Clarence Hotel Silverhill - - - -	One penny.
Between the south end of London Road Saint Leonards and Hollington - -	Twopence.

9.—(1) Section 39 of the Act of 1900 is hereby repealed.

Restriction upon Sunday traffic.

(2) The Company shall not run any cars upon the tramways authorised by the Act of 1900 or upon the extension tramways on Sundays without the consent of the corporation such consent to be expressed by a special resolution of the council to be passed at a meeting of which meeting and of notice of intention to propose such a resolution ten clear days' previous notice shall be given to every member of the council.

(3) Such consent shall when first given have force for one year provided that if such consent shall be accorded for three successive years it shall continue in force thenceforward.

10. The Act of 1900 and the Act of 1902 shall be amended by substituting the words "the Bexhill and Saint Leonards Light

Amendment of reference to Light Railway

A.D. 1903.

Order in Acts
of 1900 and
1902.

For protec-
tion of cor-
poration of
Hastings.

Railway Order 1900 " for the words " the Bexhill and Saint Leonards Light Railway Order 1899 " wherever the same are used.

11. The following provisions shall have effect for the protection of the corporation (that is to say):—

- (1) Notwithstanding that on the deposited plans Tramway No. 1 and Tramway No. 2A authorised by this Act are shown as a double line throughout and Tramway No. 2 authorised by this Act is shown as a double line in part the corporation may require the Company to lay down single or interlacing lines in lieu of double lines and to lay the said tramways in such position in the road as they shall think fit and the Company shall submit to the Board of Trade a plan showing the requirements of the corporation and shall not construct the said tramways save in the position in the road approved by the Board of Trade :
- (2) Notwithstanding the provisions of the Act of 1900 as applied by this Act the Company shall not work Tramway No. 1 save by self-propelled cars or other system approved by the corporation not being the overhead system :
- (3) The Company shall pay to the corporation the actual cost of the wood blocks covering the portion of the roadway along which the extension tramways are to be constructed which would be repairable by the Company between Grosvenor Crescent and the Albert Memorial and such wood blocks so paid for shall become the property of the Company and shall (except those which are in a broken or damaged condition which shall so far as may be necessary be replaced by the Company) be relaid by the Company on the aforesaid portions of roadway and such portions of roadway and such portions as so relaid shall be maintained by the Company in good condition and repair with wood of equal quality or such other materials and in such manner as the corporation shall direct and to their satisfaction :
- (4) The groove of the rails used for Tramway No. 1 shall not exceed one-and-one-eighth inches in breadth :
- (5) No goods (other than parcels) nor animals shall be carried on the extension tramways without the consent of the corporation and subject to such conditions as the corporation may impose :
- (6) The lines shall be constructed throughout under the supervision and to the reasonable satisfaction of the borough

engineer The design of the cars to be such as the corporation and the Company may agree upon or in case of difference between them as may be determined by arbitration but no objection shall be raised to roof seats :

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- (7) The Company shall run between nine a.m. and nine p.m. at least two cars per hour one in each direction from the Albert Memorial to the Albert Memorial by the said circular line of tramway passing by Ore the Cemetery and Bladslow every weekday throughout the year Provided that the Company shall not be bound to continue such service if they prove to the reasonable satisfaction of the corporation that the receipts in respect of traffic beyond Ore and Hollington are wholly inadequate at certain seasons in which case the Company may temporarily reduce modify or wholly discontinue the service as and for such period as may be agreed with the corporation or failing agreement determined by the Board of Trade :
- (8) The Company shall not allow advertisements (save notices relating to the Company's business to announcements of bands fêtes and other occasional entertainments which may contribute to increase the Company's traffic) to be placed on the outside of the windows of any of the cars to be run on any of the tramways authorised by the Act of 1900 or on the extension tramways nor on the inside of the windows save on the upper portion thereof and then so as not to obstruct the view of passengers seated in the cars nor on the outside of the cars save above the level of the roof and then of a depth not exceeding eighteen inches and all advertisements shall be so fixed as not to cause any noise or rattling when the car is moving :
- (9) Any difference between the corporation and the Company under this section shall be referred to an arbitrator appointed failing agreement between the parties by the Board of Trade.

12. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of one thousand three hundred and eight pounds seventeen shillings being five per centum upon the amount of the estimate in respect of the extension tramways has been deposited with the paymaster-general for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in

Deposit money not to be repaid except so far as tramways opened.

A.D. 1903. — this Act as “the deposit fund” Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as “the depositors”) unless the Company shall previously to the expiration of the period limited by this Act for completion of the extension tramways open the same for the public conveyance of passengers And if the Company shall make default in so opening the extension tramways the 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 extension 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 extension tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the extension tramways so opened bears to the entire length of the extension tramways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit
fund.

13. If the Company do not previously to the expiration of the period limited for the completion of the extension tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette 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 extension tramways or any portion thereof and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such

tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall 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 deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall as and when the same shall become payable be paid to or on the application of the depositors.

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14. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which they are authorised by the Act of 1900 to raise by shares or stock or borrowing.

Power to
raise funds.

15. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole sixty thousand pounds by the issue at their option of new ordinary shares or stock or wholly or partially by either of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any 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 shall have been paid in respect thereof.

Power to
raise additional
capital.

16. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

New shares
or stock to
be subject to
same incidents
as other
shares or
stock.

17. The capital in new shares or stock so created shall form part of the capital of the Company.

New shares or
stock to form
part of capital
of Company.

A.D. 1903.

Dividends
on new
shares or
stock.

18. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction
as to votes
in respect of
preferential
shares or
stock.

19. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New and
existing
shares or
stock may
be of same
class.

20. Subject to the provisions of the Act of 1900 and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by the Act of 1900 and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to
borrow.

21. The Company may in respect of the additional capital of sixty thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any moneys not exceeding in the whole twenty thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think

sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. A.D. 1903.

22. All moneys to be borrowed on mortgage under the Act of 1900 or this or any subsequent Act shall rank equally and from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and upon all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them. But nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of the Act of 1900 or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Moneys borrowed on mortgage to rank equally and to have priority.

23. Section 63 of the Act of 1900 shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to 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 ten thousand pounds in the whole.

For appointment of a receiver.

24. Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Act.

Provision as to general Tramway Acts.

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

Costs of Act.

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

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