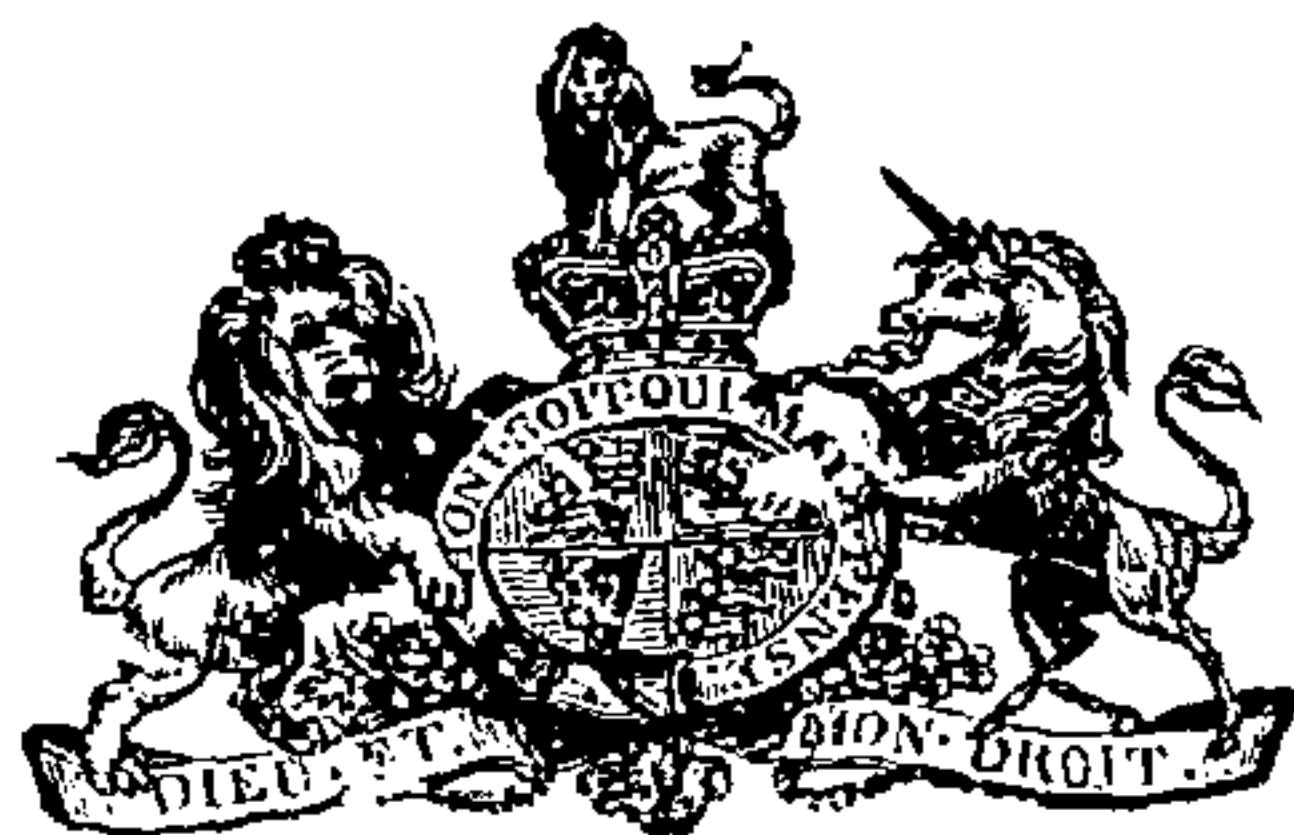




CHAPTER xlv.

An Act for empowering the Gosport Street Tramways Company to extend their authorised Tramways and for other purposes. A.D. 1881.
[3rd June 1881.]

WHEREAS the extension to Brockhurst and Fareham of the tramways of the Gosport Street Tramways Company (in this Act called "the Company") authorised by the Gosport Street Tramways Act 1879 (in this Act called "the Act of 1879") would be of public and local advantage and it is expedient that the said Company should be authorised to extend the same accordingly : 42 & 43 Vict.
c. xxvii.

And whereas it is expedient that the time limited by the Act of 1879 for the construction of the said authorised tramways should be extended and that the same should be constructed on the gauge of three feet instead of on the gauge of four feet eight and a half inches as prescribed by the said Act :

And whereas it is expedient that the Company should be empowered to use steam or other mechanical or motive power for the purpose of working the tramways authorised by the Act of 1879 and by this Act :

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act :

And whereas plans and sections showing the lines and levels of the tramway by this Act authorised and books of reference to such plans have been deposited with the clerk of the peace for the county of Southampton and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

A.D. 1881. Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title. 1. This Act may be cited for all purposes as the Gosport Street Tramways Act 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 33 & 34 Vict. c. 78. 2. The following Acts and parts of Acts are (except where expressly varied or excepted by or inconsistent with the provisions of this Act) incorporated with and form part of this Act (that is to say) the Lands Clauses Consolidation Acts 1845 1860 and 1869 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) section three (interpretation of terms) section nineteen (local authority may lease or take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 :

8 & 9 Vict. c. 16. 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 :

The forfeiture of shares for nonpayment of calls :

The remedies of creditors of the Company against the shareholders :

The borrowing of money :

The conversion of the borrowed money into capital :

The consolidation of shares into stock :

The general meetings of the Company :

The making of dividends :

The giving of notices : and

The provision to be made for affording access to the special Act by all parties interested : and

26 & 27 Vict. c. 118. Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863.

Interpretation of terms. 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 expressions “the tramway” and “the undertaking” mean the tramway and works and the undertaking respectively by this Act authorised :

The word “contingencies” in the Companies Clauses Consolidation Act 1845 section one hundred and twenty-two shall with

reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act 1870 section forty-three at a sum less than the aggregate amount of the capital and debts of the Company :

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

4. 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 works and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are :—

Power to
make tram-
ways.

A single line of tramway with passing-places commencing in West Street Fareham near its intersection by Quay Street and passing thence in a westerly direction as far as Portland Street and thence in a southerly direction into and along Portland Street and thence along the Town Quay and Gosport Road in a south-easterly direction through Hoeford and Brockhurst to Camden Town Forton and terminating in Forton Road by a junction with the authorised tramways of the Company there at their termination :

The said single line of tramway is distinguished on the deposited plans by the number 1 and the said passing-places are respectively distinguished on the said plans by the numbers 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 :

The total length of the tramway is four miles and six and a half chains of which three miles two furlongs and one and a half chains is single line and six furlongs and five chains is double line :

All the said tramways will be situate in the parishes of Fareham Rowner and Alverstoke in the county of Southampton :

For the purpose of improving the gradients of Gosport Road and of the tramway the Company may in the manner and to the extent shown on the deposited sections alter the levels of the said road between points respectively two hundred feet or thereabouts north-west of the intersection of the said road by Hoeford Lake and four hundred and eighty feet or thereabouts south-east of the lodge of Fleetland House.

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Tramway to form part of authorised undertaking of Company.

5. The tramway shall for all purposes whatever be deemed to form part of the undertaking of the Company authorised by the Act of 1879, and all the provisions of that Act except so far as they are varied amended or repealed by this Act shall as far as applicable apply to the tramway in like manner in every respect as if the tramway formed part of the tramways authorised by the Act of 1879.

Power to raise additional capital.

6. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue of new shares any additional capital not exceeding in the whole sixteen thousand pounds by the issue at their option of ordinary shares or preference shares or partially by one of those modes and partially by the other but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of calls in any year upon any share.

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

8. 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 created by the Company under this Act to which a preferential dividend shall be assigned.

Receipt clause in case of persons not sui juris.

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

Power to borrow on mortgage.

10. The Company may in respect of the additional capital of sixteen thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole four thousand pounds and of that sum they may borrow from time to time not exceeding two thousand pounds in respect of each sum of eight thousand pounds of the said additional capital but no part of any such sum of two thousand pounds shall be borrowed until shares for the whole of the respective portion of capital in respect of which it is to be borrowed are issued and accepted and one half of such portion of 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 the respective portion of capital have been issued and accepted and that one half

of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. A.D. 1881.

11. Section eleven of the Act of 1879 relating to the appointment of a receiver 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 that section. 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 and in order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than one thousand pounds in the whole. Appoint-
ment of a
receiver.

12. All moneys to be borrowed on mortgage under the Act of 1879 or under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall (except as otherwise provided by the next following section of this Act) have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the tramway or by the exercise of any of the powers conferred upon the Company. Priority of
mortgages
over other
debts.

13. The principal moneys and interest secured by all mortgages granted by the Company in pursuance of the powers of the Act of 1879 before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys and interest secured by any mortgages granted by virtue of this Act. Existing
mortgages
to have
priority.

14. The Company shall not create debenture stock.

Debenture
stock.

A.D. 1881.

Mortgage to comprise purchase money paid on compulsory sale.

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

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

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

Application of moneys.

17. All moneys raised under this Act whether by shares or borrowing shall be applied for the purposes of this Act only.

Company may apply corporate funds to purposes of Act.

18. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands or which they have power to raise by shares or borrowing by virtue of the Act of 1879 and which may not be required for the purposes to which they are by that Act made specially applicable.

Period for completion of works.

19. The tramway shall be completed within two years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Deposit money not to be repaid until tramway opened.

20. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of eight hundred and twenty-nine pounds fourteen shillings and eightpence consolidated three pounds per centum annuities being equal to five per centum upon the amount of the estimate in respect of the tramways has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramway open the same for the public conveyance of passengers: Provided that if within such

period as aforesaid the Company open any portion of the tramway 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 tramway 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 tramway so opened bears to the entire length of the tramway hereby authorised the 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.

A.D. 1881.

21. If the Company do not previously to the expiration of the period limited for the completion of the tramway complete the same and open it 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 tramway 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 Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied

Application
of deposit.

A.D. 1881. — as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Mode of formation of tramway.

22. Every tramway to be formed or laid down under the authority of this Act shall be constructed with two grooved rails on the gauge of three feet and shall be laid and maintained in such manner as that the uppermost surface of the rail shall be on a level with the surface of the street or road on each side of such rail. Provided always that so much of section thirty-four of the Tramways Act 1870 as limits the extent of any carriage used on any tramway of the Company beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways authorised by the Act of 1879 and this Act but no such carriage shall be of a greater width in any part than six feet six inches.

Rails to be approved by Board of Trade.

23. The rails of the tramway shall be such as the Board of Trade may approve.

Company to adopt improvements if required by the Board of Trade.

24. The Board of Trade may from time to time upon the application of the local authority or road authority of any district require the Company to adopt and apply such improvements in the tramway within such district including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Inspection by Board of Trade.

25. The tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Tramway to be kept level with surface of road.

26. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of the tramway is laid the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road so altered.

Further provisions as to construction of tramways.

27. In addition to the requirements of section twenty-six 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 the tramway lay before the Board of Trade a plan

showing the proposed mode of constructing laying down maintain-
ing and renewing the tramway 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 the tram-
way or any part thereof until such plan and statement have been
approved by the Board of Trade and after such approval the works
shall be executed in accordance in all respects with such plan and
statement and under the superintendence and to the reasonable
satisfaction of the surveyor for the time being of the road authority
as provided by section twenty-six of the said Act: Provided always
that the word "materials" in this enactment does not include
materials used for paving any part of any street under the provisions
of the Tramways Act 1870 or this Act.

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28. 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 which the tramway for the time
being consists and the substructure upon which the same rest and
if the Company at any time make default in complying with this
provision or with any of the requirements of section twenty-eight
of the Tramways Act 1870 they shall for every such offence be
subject on information laid or complaint made to a penalty not
exceeding five pounds and in case of a continuing offence to a
further penalty not exceeding five pounds for every day after the
first on which such default continues and such penalty may be
recovered as by section fifty-six of the said Act is provided.

Penalty for
not main-
taining rails
and roads.

29. In any case in which it is represented in writing to the
Board of Trade by the road authority of any district in which the
tramway or any portion thereof is situate or by twenty inhabitant
ratepayers of such district that the Company have made default in
complying with the provisions in the preceding section contained
or with any of the requirements of section twenty-eight of the
Tramways Act 1870 the Board of Trade may if they think fit direct
an inquiry by an officer to be appointed by the said Board such
inquiry to be conducted in the manner provided by section sixty-
three of the Tramways Act 1870 and if the Board of Trade shall
certify under the hand of a secretary or assistant secretary of the
Board that the default mentioned in such representation has been
proved to the satisfaction of the Board the Company shall make
good such default in the manner and within the time specified in
such certificate and if they fail to do so shall be subject to such
penalty or penalties in respect of such failure as is or are by the
preceding section imposed.

Power to
Board of
Trade to
inquire as to
maintenance
of rails and
roads.

A.D. 1881.

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

30. The Company may subject to the provisions of this Act and with the consent of the local authority and road authority from time to time make maintain alter and remove such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramway or for providing access to any warehouses stables or carriage houses or works of the Company: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto and provided also that any such altered substituted and additional crossings passing-places sidings junctions and other works shall in all respects be thereafter subject to the provisions of this Act and the Acts incorporated therewith as fully and effectually as if the same had been originally described or marked on the said deposited plans.

Company
to construct
turn-out in
West Street
if required
by Fareham
Local Board.

31. The Company shall if required so to do by the Fareham Local Board in order to lessen interference with the market in West Street construct a turn-out or siding and passing-place or double line of tramway not exceeding three chains in length in that part of West Street situate west of the junction therewith of Portland Street: Provided that in the construction of such turn-out or siding and passing-place or double line no line shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the said street if the owner or owners occupier or occupiers of the houses shops premises or warehouses abutting upon the place where such rail is proposed to be laid shall by writing under their hand addressed either to the Company or the said local board object thereto.

Protection of
the Gosport
Waterworks
Company.

32. The provisions for the protection of the Gosport Waterworks Company contained in section 39 of the Act of 1879 shall extend and apply to the tramways by this Act authorised.

Agreements
with local
and road
authorities.

33. The Company may from time to time enter into and carry into effect contracts or agreements with the Fareham Local Board and Fareham District Highway Board with respect to the laying down maintaining renewing and repairing of the tramway and the rails plates sleepers and works connected therewith and for facilitating the passage of carriages and traffic over or along the same.

Carriages.

34. The Company shall not use upon the tramway carriages or trucks constructed for use upon railways.

35. The carriages used on the tramways authorised by the Act of 1879 and this Act may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of any portion of the same respectively for public traffic and with the consent of the Board of Trade during such further periods not exceeding seven years as the Board of Trade may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board by steam power and other mechanical power: Provided always that in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power the Company shall be subject to the regulations set forth in the Schedule to this Act annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit or securing to the public all reasonable protection against danger in the exercise of these powers.

A.D. 1881.

Use of steam or mechanical power to be subject to regulations of Board of Trade.

36. The Company or any other company or person using steam or any mechanical power on any of the said tramways contrary to the provisions of this Act or to any of the regulations set forth in the Schedule to this Act annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using steam or any mechanical power on the said tramways of the Company under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the Schedule to this Act annexed or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

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

37. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or

Byelaws for regulating use of steam, &c.

A.D. 1881. — add to byelaws with regard to all or any of the tramways of the Company upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say) :—

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

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

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 :

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

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the said tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Recovery of penalties.

38. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

39. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority of any district in which any tramway is laid with respect to the rate of speed to be observed in travelling on the tramway shall not authorise any such local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways of the Company under the authority of this Act but any such local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws of Board of Trade.

40. All orders 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 of Trade.

41. Before the Company or any other company or person use steam or any mechanical power under the authority of this Act on the said tramways or any part thereof they or he shall give two months previous notice of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend to use such power are or is situate. Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such other company or person by such notice or for such road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof be determined and of no effect:

A.D. 1881.

—
Contracts
with road
authorities
where steam
or mechanical
power is
to be used.

Before using steam or any mechanical power on the said tramways or any part thereof and thereafter from time to time the Company or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is used or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve:

In case any difference arises between any such road authority and the Company or such other company or person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Company or such other company or person or the Company or such other company or person after request in writing by any such road authority during a period of one month after such request

A.D. 1881. — refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the promoters and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed: Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates:

No steam or mechanical power shall be used on the said tramways or any portion thereof unless there is in force in relation to such tramways or such portion thereof a contract agreement or arrangement in accordance with the provisions of this section:

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the said tramways are laid.

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

42. Where steam or any mechanical power is used by the Company or any other company or person on the said tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid or the making of such contract agreement or arrangement: Provided always that any such

contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof. A.D. 1881.

43. The Company may demand and take in respect of the tramway the tolls and charges which they are by the Act of 1879 authorised to demand and take with respect to the tramways by that Act authorised as if the tramway had formed part of the tramways by that Act authorised and sections forty-four forty-five and forty-seven to fifty inclusive of the Act of 1879 are incorporated with and form part of this Act and shall extend and apply to the tramway and the passengers using the same and the tolls to be taken for the use of the same as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto.

Extension to this Act of sections of 42 & 43 Vict. c. xxvii. as to tolls.

44. Notwithstanding anything contained in the Act of 1879 the tramways authorised by this Act and the Act of 1879 may be used for the carriage of passengers animals and goods but the Company shall not be bound unless they think fit to carry passengers luggage exceeding twenty-eight pounds in weight nor any animals or goods : Provided always that the Company shall have power to attach to their carriages or run separately trucks for the purpose of conveying animals and goods.

Company may carry animals, goods, &c.

45. The Company may demand and take in respect of any animals or goods conveyed by them on the tramways authorised by this Act and the Act of 1879 including the use of the tramways waggons and trucks and motive power and every other expense incidental to such conveyance (except a reasonable sum for loading or unloading and for delivery and collection of goods and any other service incidental to the business of a carrier where any such service is performed by the Company) any tolls or charges not exceeding the rates per mile following :—

Tolls for animals, goods, &c.

For every horse mule or other beast of draught or burden per head sixpence :

For every ox cow bull or head of cattle per head fivepence :

For every calf pig sheep or other small animal per head threepence :

For all coals culm cannel limestone chalk lime salt sand fire-clay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton threepence :

For all timber deals staves 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 stone for building

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pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway or tramway chairs and plates per ton fourpence :

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

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

For every carriage of whatever description having two wheels one shilling :

For every carriage of whatever description having four wheels one shilling and sixpence :

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 :

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 :

For animals or goods conveyed on the tramways for a fraction of a mile the Company may demand tolls and charges as for one 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 usual avoirdupois weight :

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

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

Periodical
revision of
tolls.

46. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways authorised

by this Act or the Act of 1879 or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such Order shall be observed until the same is revoked or modified by an Order of the Board of Trade made in pursuance of this section: Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges authorised by this Act and the Act of 1879.

47. The time limited by the Act of 1879 for the completion of the tramways by that Act authorised is hereby extended for the period of one year from the twenty-third day of May one thousand eight hundred and eighty-one and section forty-one of the said Act shall be read and have effect as if the period therein referred to for the completion of the tramways had been the period by this Act limited for the completion thereof.

Extension of time for completion of tramways authorised by 42 & 43 Vict. c. xxvii.

48. Notwithstanding anything contained in the Act of 1879 the Company may and shall construct lay down and maintain the tramways authorised by that Act upon the gauge of three feet: Provided that in all other respects the said tramways shall be constructed and laid down in accordance with the deposited plans referred to in that Act.

Power to reduce gauge of tramways authorised by 42 & 43 Vict. c. xxvii.

49. Notwithstanding anything in the Act of 1879 contained the Company may from time to time increase the number of directors provided that the number shall not at any time exceed five and may again from time to time reduce the number of directors provided that the number shall not at any time be less than three and when the number of directors exceeds three the quorum for meetings of directors shall be three.

Power to increase number of directors and quorum.

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Interest not
to be paid
on calls paid
up.

50. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

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

Provision as
to general,
Tramway
Acts.

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

Expenses of
Act.

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

The SCHEDULE referred to in the foregoing Act.

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BREAK POWER OF ENGINES.

Every engine used on the tramways of the Company shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

AS TO FITTINGS OF ENGINES, &c.

Every engine used on the tramways of the Company shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown :

With a suitable fender to push aside obstructions :

With a special bell whistle or other apparatus to be sounded as a warning when necessary : and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him :

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

AS TO CARRIAGES.

Every carriage used on the tramways of the Company shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

INSPECTION OF ENGINES AND CARRIAGES.

The Board of Trade shall on the application of the local authority and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways of the Company and the machinery therein and may whenever they think fit prohibit the use on such tramways of any such engine or carriage which in their opinion may not be safe for use on such tramways.

AS TO SPEED.

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

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

