



CHAPTER cxl.

An Act to incorporate the Hastings Tramways Company and to empower that Company to make and maintain tramways and other works in the county borough of Hastings and for other purposes. [30th July 1900.] A.D. 1900.

WHEREAS the making and maintaining of the tramways street widenings and other works hereinafter described and by this Act authorised and the working of the tramways by mechanical power 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 if authorised by Parliament so to do and are desirous of being incorporated into a company (hereinafter called "the 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 Company and the corporation of the county borough of Hastings (hereinafter called "the corporation") be empowered to enter into and carry into effect agreements as to the street widenings and improvements and the working of the tramways as hereinafter provided and that the other powers mentioned in this Act be conferred upon the Company :

And whereas it is expedient that the corporation be empowered to purchase the undertaking of the Company 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 as hereinafter mentioned :

And whereas under the provisions of the Light Railways Act 1896 the Hastings Bexhill and District Light Railways (Electric) Company Limited (hereinafter called "the limited company") obtained an order whereby a company were incorporated under the name of the Bexhill and St. Leonards Light Railway Company (hereinafter called "the light railway company") and were empowered to construct a light railway or tramway partly situate

A.D. 1900. within the borough and to work the same by electricity and the light railway company consists of the same persons as the limited company and none of the capital of the light railway company has yet been subscribed or paid up and it is expedient that the light railway company should be dissolved and the undertaking of that company together with all the rights powers and privileges attaching thereto should be transferred to and vested in the Company as by this Act provided :

And whereas it is expedient that the corporation and the Company should be empowered to enter into agreements with respect to the supply of electrical energy for the working of the tramways and light railway in connexion with the electric lighting undertaking of the corporation and that the Company should be empowered to apply for an order under the Electric Lighting Acts 1882 and 1888 as by this Act provided :

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised and indicating the position thereof in the streets along which they are to be laid and showing the lands to be acquired for the street widenings and other works and for the station for generating electrical power and also books of reference to those plans were duly deposited with the clerk of the peace for the eastern division of the county of Sussex and are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes 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 Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Hastings Tramways Act 1900.

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) section 19 (Local authority may lease or take tolls) Part II. (Construction of tramways) and Part III. (General provisions) except section 43 (Future purchase of undertaking by local authority) 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

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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 light railway company" means the company incorporated by the Bexhill and St. Leonards Light Railway Order 1899:

"The tramways" and "the undertaking" mean respectively the tramways the street widenings and other works and the undertaking by this Act authorised:

"The light railway" means the light railway and undertaking authorised by the said Light Railway Order:

"The borough" means the county borough of Hastings:

"The corporation" means the mayor aldermen and burgesses of the borough:

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

"Engine" includes motor:

The word "contingencies" in the Companies Clauses Consolidation Act 1845 section 122 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company.

4. William Martin Murphy Joseph Barber Glenn Arthur Joseph Salter and John Starkie Gardner 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 for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Hastings 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
incorporated.

WORKS AUTHORISED.

5. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 so far as incorporated with this Act the Company may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates posts tubes wires apparatus stations depôts works and conveniences connected therewith. Provided that nothing in this Act

Power to
make tram-
ways and
other works.

A.D. 1900. shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways hereinbefore referred to and authorised by this Act will be wholly situated within the borough and are—

Tramway No. 1 2 miles 3 furlongs 1·15 chains or thereabouts in length (whereof 7 furlongs 1·10 chains is single and 1 mile 4 furlongs 0·05 chain is double line) in the parishes of Holy Trinity Saint Michael-on-the-Rock Saint Mary Magdalen Saint Leonards Saint Matthew and Hollington Saint John commencing in Cambridge Road and Robertson Street or one of them and at a point 0·90 chain or thereabouts measured in a westerly direction from the western side of the Albert Memorial passing thence along Cambridge Road Bohemia Road and London Road and terminating in the last-named road at a point 10·20 chains or thereabouts measured in a northerly direction from the intersection of the said road and Upper Church Road in the parishes of Hollington Saint John Saint Matthew and Saint Helens :

Tramway No. 2 2 miles 7 furlongs 9·25 chains or thereabouts in length (whereof 1 mile 7 furlongs 3·45 chains is single and 1 mile 0 furlong 5·80 chains is double line) in the parishes of Hollington Saint John Saint Matthew and Saint Helens commencing in London Road by a junction with Tramway No. 1 at a point 0·80 chain or thereabouts measured in a southerly direction from the intersection of the said road and Upper Church Road passing thence into and along Upper Church Road and in a northerly direction into and along Sedlescombe Road and in a south-easterly direction into and along Old London Road and terminating in the last-named road at a point 1 chain or thereabouts measured in a southerly direction from a point opposite the entrance of the Hastings Borough Cemetery at Ore :

Tramway No. 3 2 miles 2 furlongs 4·40 chains or thereabouts in length (whereof 5 furlongs 4·55 chains is single and 1 mile 4 furlongs 9·85 chains is double line) in the parishes of Saint Helens All Saints Saint Clements and Saint Mary-in-the-Castle commencing by a junction with Tramway No. 2 at its termination passing thence in a south-easterly direction in a southerly direction and in a south-westerly direction along Old London Road thence along Priory Road and Mount Pleasant Road and terminating in the last-named road at a

point 0·70 chain or thereabouts measured in an easterly direction from the intersection of the last-named road and Hughenden Place : A.D. 1900.

Tramway No. 4 (a single line) 1 furlong 1·80 chains or thereabouts in length in the parishes of Saint Mary-in-the-Castle and Saint Helens commencing by a junction with Tramway No. 3 at its termination passing thence into and along Hughenden Place Hughenden Road and Elphinstone Road and terminating in the last-named road at a point 0·40 chain or thereabouts measured in a north-westerly direction from the intersection of the said road and Hughenden Road :

Tramway No. 5 (a single line) 1 furlong 0·85 chain or thereabouts in length in the parishes of Saint Mary-in-the-Castle and Saint Helens commencing by a junction with Tramway No. 3 at its termination passing thence in a south-westerly direction along Mount Pleasant Road and in a north-westerly direction into and along Elphinstone Road and terminating therein by a junction with Tramway No. 4 at the termination thereof :

Tramway No. 6 (a double line) 2 furlongs 8·10 chains or thereabouts in length in the parishes of Saint Mary-in-the-Castle and Saint Helens commencing by a junction with Tramways Nos. 4 and 5 at their terminations passing thence into and along Laton Road and in a southerly direction into and along Saint Helens Road and terminating in the last-named road opposite Alexandra Park at a point 1 chain or thereabouts measured in an easterly direction from the intersection of the last-named road and Saint Helens Crescent :

Tramway No. 7 7 furlongs 3 chains or thereabouts in length (whereof 2 furlongs 9·70 chains is single and 4 furlongs 3·30 chains is double line) in the parishes of Saint Mary-in-the-Castle Saint Andrew and Holy Trinity commencing by a junction with Tramway No. 6 at its termination passing thence along Saint Helens Road into and along Queens Road and Cambridge Road and Robertson Street or one of them and terminating by a junction with Tramway No. 1 at the commencement thereof :

Tramway No. 8 (a double line) 1 mile 0 furlong 7·15 chains or thereabouts in length in the parishes of Saint Helens All Saints and Saint Clements commencing by a junction with Tramway No. 3 in Old London Road at a point 0·40 chain or thereabouts measured in a northerly direction from the intersection of the said road and Saxon Road passing thence into and along Saxon Road and Harold Road and terminating in

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the open space at the junction of High Street All Saints Street London Road and Harold Road at a point 50 links or thereabouts measured in a northerly direction from the drinking trough at the said open space :—
Tramway No. 9 7 furlongs 0·70 chain or thereabouts in length (whereof 3 furlongs 5·10 chains is single and 3 furlongs 5·60 chains is double line) in the parish of Saint Matthew and Hollington Saint John commencing in London Road by a junction with Tramway No. 1 at a point 0·25 chain or thereabouts measured in a southerly direction from the intersection of the said road and Beaufort Road passing into and along Sedlescombe Road and terminating therein by a junction with Tramway No. 2 at a point 0·65 chain or thereabouts measured in a north-westerly direction from the intersection of the said road and Upper Church Road.

Power to make connexion with light railway.

6. The Company may lay down and maintain in connexion with the tramways by this Act authorised a cable or cables or line of pipes for conducting electrical power by means of cables or wires enclosed therein underground with street boxes and other apparatus for the purpose of forming a connexion with and for the joint working by electricity of the tramways with the light railway and for the purpose of forming a connexion with any generating station from which the supply of electricity may be obtained for the working of the tramways and the following provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to the execution of this work in the same manner as if the Company were undertakers acting under a special order within the meaning of that Act (that is to say) :—

- Section 10 (Systems and mode of supply);
 - Section 13 (Street boxes);
 - Section 14 (Notice of works);
 - Section 15 (As to streets not repairable by local authority railways tramways and canals);
 - Section 16 (Street authority may give notice of desire to break up streets &c. on behalf of undertakers);
 - Section 17 (As to alteration of pipes wires &c. under streets);
 - Section 18 (Laying of electric lines near sewers &c.);
 - Section 19 (For protection of railway and canal companies);
 - Section 20 (For protection of telegraph and telephone wires);
 - Section 69 (Remedying of system and works);
- and the sections of the Gasworks Clauses Act 1847 set out in the appendix to that schedule.

Power to take and use lands for

7. Subject to the provisions of this Act the Company may enter upon take hold and use the lands shown upon the deposited plans

and described in the deposited books of reference and hereinafter described and may on such lands but not elsewhere construct a station or stations for generating electric power and erect thereon buildings and use dynamos engines and other apparatus and things necessary or proper for the generation of electricity or the working of tramways thereby The lands hereinbefore referred to are as follows:—

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generating
station.

A piece of land in the parish of Saint Leonards in the borough 4 acres 1 rood 30 perches in extent bounded on the southern side by the Bexhill Road on the northern and eastern sides by Combe Haven and on the western side by the stream forming the boundary between the aforesaid parish of Saint Leonards and the parish of Saint Mary Bulverhythe:

A piece of land in the parish of Hollington Saint John in the borough situated on the eastern side of the London Road 1 acre 3 roods in extent and bounded on its northern and eastern sides by Ashbrook Park and numbered 81 on the $\frac{1}{2500}$ Ordnance map (second edition 1899):

A piece of land in the parish of Ore in the rural district of Hastings situated on the northern side of Old London Road 4 acres 1 rood in extent being so much of the land numbered 259 on the $\frac{1}{2500}$ Ordnance map (second edition 1899) as lies to the west of the Ore tunnel of the South Eastern Railway.

8. Subject to the provisions of this Act the Company may make in the lines and according to the levels shown on the deposited plans and sections the following street improvements in the borough in connexion with the tramways by this Act authorised together with all necessary works and conveniences connected therewith or incident thereto and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes and may hold sell or let or may erect offices buildings or other conveniences upon any lands acquired by them under the powers of this Act and not required for such widenings (that is to say):—

Power to
make street
widenings.

(1) A widening of London Road and Upper Church Road at their junction on the eastern side of the former road and on the western side of the latter road the said widening being wholly in the parish of Hollington Saint John in the borough:

(2) A widening of Upper Church Road and Sedlescombe Road at their junction on the northern side of the former road and on the western side of the latter road the said widening being wholly in the parish of Hollington Saint John in the borough:

(3) A widening of Priory Road on the northern side thereof from Cackle Street to a point 4.30 chains measured in an easterly

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direction from a point opposite Ann Street the said widening being wholly in the parish of Saint Helens in the borough :

(4) A widening of Priory Road on the northern side thereof from a point 5 chains measured in an easterly direction opposite Halton Place to the north-eastern boundary of "The Fortune of War" public-house the said widening being wholly in the parish of Saint Helens in the borough :

(5) A widening of Priory Road and Mount Pleasant Road on the northern side of the said roads from the south-western boundary of "The Fortune of War" public-house to a point 0·60 chain measured in a westerly direction from the intersection of Egremont Place and Priory Road the said widening being wholly in the parish of Saint Helens in the borough :

And from and after the completion of the before-mentioned street widenings the widened streets or roads shall be dedicated to the public and shall be maintained by the corporation.

LANDS.

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

9. 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 Sussex 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 eastern division of the county of Sussex and a duplicate thereof shall also be deposited with the town clerk of the borough and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Period for
compulsory
purchase of
lands.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Restriction
on taking
houses of

11. 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. A.D. 1900.
labouring class.

If the Company purchase or acquire 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.

For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. The expression "house" means any tenement separately occupied by any person or persons.

12. 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 and to such easements rights and privileges as aforesaid respectively. Power to grant easements &c.

13. Whereas in the construction of the street widenings 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 premises 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 premises described in the 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 Owners may be required to sell parts only of certain lands and buildings.

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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.

Purchase of
lands by
agreement.

14. 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 five 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 yards wharves offices buildings placings 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.

CONSTRUCTION AND MAINTENANCE.

Inspection
by Board of
Trade.

15. 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.

Period for
completion
of tramways.

16. If the tramways street widenings and works 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 for making or completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

Tramways
not to be
opened until
streets
widened.

17. The Company shall not open any tramway for public traffic in any part of any street or road by this Act authorised to be widened until the widening has been completed to the satisfaction of the corporation but so nevertheless that the street or road need not exceed the width of forty feet.

Gauge of
tramways.

18.—(1) The tramways shall be constructed on a gauge of three feet and six inches or such other gauge as the Board of Trade may approve not exceeding four feet eight and a half 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 outer 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 six inches in width. A.D. 1900.

(2) No carriage constructed for use on railways shall pass along the tramways.

19. If and whenever after the passing of this Act the corporation as the road authority alters the level of any road along or across which any part of the tramway 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.

20.—(1) 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 and before the corporation plans 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 by the engineer for the time being to the corporation 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 said engineer as provided by section 26 of the said Act. Plans of proposed mode of construction of tramways.

(2) The Company shall not without the permission in writing of the said engineer break up any street within the borough during the months of July August September and October for the purpose of constructing or relaying any part of the tramways.

(3) If any dispute shall arise between the Company and the corporation or the said engineer as to what method of paving is the more suitable for any street or otherwise under this section such dispute shall be referred to arbitration under the Tramways Act 1870 as incorporated with this Act.

21. The cars used on the tramways shall be of such design as may be reasonably approved by the corporation or in case of difference approved by the Board of Trade. Design of cars.

22. The rails of the tramways shall be such grooved rails or such other rails as the Board of Trade may approve. As to rails of tramways.

23.—(1) The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or Penalty for not maintaining rails and roads.

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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 corporation or twenty inhabitant ratepayers of the borough 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.

Company to
keep lines
free from
snow.

24. The Company shall at their own cost keep the lines free from snow and other obstructions and if the Company at any time fail to comply with this provision they shall be liable to the same penalty as under the last preceding section.

Corporation
to have
access to
sewers.

25. The corporation shall at all times have free access to and communication with all their sewers and drains or electrical lines or works and power to lay lateral and private drains or electrical lines or works to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain or electrical lines or works of or under the control of the corporation as if the same were a pipe for the supply of gas or water.

Power to
make
additional
crossings &c.

26. The Company may subject to the provisions of this Act with the consent of the local authority and road authority from time to time 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 stations warehouses stables carriage-houses or works of the Company and if any street or road on which the tramways or any part thereof are or is authorised to be laid shall be widened or altered otherwise than as provided by this Act the Company may with the like consent from time to

time take up and remove such tramways or part thereof if already constructed and reconstruct the same or if not already constructed may construct the same in such position as the local authority and road authority may approve. 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 one third of the owners or one third of the occupiers 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.

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27.—(1) The Company may with the consent of the Board of Trade and of the corporation lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways 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 they may think fit. Provided that in the exercise of the powers of this section 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 one third of the owners or one third of the occupiers 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.

Alteration of tramways.

(2) Any difference arising under this section between the Company and the corporation shall be determined by the Board of Trade.

28. 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 so required by the corporation construct a passing place or places connecting the one tramway with the other and by the means of such passing place or places the traffic shall when necessary be diverted from one tramway to the other.

Passing places to be constructed where less than nine feet six inches width left between footway and tramway.

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

Temporary tramways may be made where necessary.

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thereof the Company may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Application
of road
materials
excavated in
construction
of works.

30. Any paving metalling or material excavated by the Company in the construction of the tramways or works from any road or bridge 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 reinstating of the road or bridge 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. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose 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.

Deviation.

31. In the construction of the street works by this Act authorised the Company may deviate vertically from the levels 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.

Subsidiary
works.

32. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Company in connexion with the street improvements authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the street improvements or any of them and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the street improvements or any of them or of crossing under or over the same or otherwise and may alter divert or stop all or any part of any drain sewer channel or gas or water main or pipe or electrical

line or work within the said limits the Company providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or electrical current and making compensation for any damage done by them in the execution of the powers of this section. A.D. 1900.

33. Subject to the provisions of this Act the Company may during the execution of the works with the consent of the corporation expressed in writing by the town clerk stop up temporarily the carriageway or footway of any road or bridge as they think necessary and for that purpose may put up bars posts and other erections but so as not to prevent persons driving along such streets or roads. Stopping of roads during execution of works.

RATES AND REGULATIONS.

34. 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 any rates or charges not exceeding one penny per mile and in computing the said rates and charges 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. Rates for passengers.

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

36. The Company may demand and take in respect of any animals goods materials articles or things conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding the following:— Animals and goods.

ANIMALS.

For every horse mule or other beast of draught or burden fourpence per head per mile.

For every ox cow bull or head of cattle threepence per head per mile.

For calves pigs sheep and small animals one penny halfpenny per head per mile.

GOODS.

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure

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and all undressed materials for the repair of public roads or highways twopence per ton per mile :

For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs twopence halfpenny per ton per mile :

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

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

SMALL PACKAGES.

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 but not exceeding five hundred pounds in weight such sum as the Company may think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

FOR THE CARRIAGE OF SINGLE ARTICLES OF GREAT WEIGHT.

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

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

REGULATIONS AS TO RATES.

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For articles or animals conveyed on the tramways for a less distance than two miles the Company may demand rates and charges as for two miles :

For the fraction of a ton the Company may demand rates according to the number of quarters of a ton in such fraction and if there be the fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

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

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

37. The Company shall not be bound unless they think fit to carry any animal parcel or goods other than passengers' luggage under and subject to the foregoing provisions of this Act.

Company not bound to carry animals or goods.

38. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service not being less than two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as the Company think most convenient for artizans mechanics and daily labourers at fares not exceeding half the fares authorised to be taken for passengers under this Act and the Company shall be liable to a penalty not exceeding one pound for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section.

Cheap fares for labouring classes.

39.—(1) The Company shall not run any cars upon the tramways on Sundays without the consent of the corporation expressed by a resolution of an absolute majority of the whole number of the council.

Restriction upon Sunday traffic.

(2) Such consent shall have force for one year Provided that if such consent shall be accorded for five years it shall continue to have force until the corporation shall by notice in writing require the Company to again apply for such consent.

40. It shall not be lawful for the Company or any other company or person working or using the tramways except with the consent of the corporation to take or demand on Sundays or any bank or other public holiday any higher tolls fares rates or charges than those levied by them on ordinary week days.

As to fares on Sundays and holidays.

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Periodical
revision of
rates and
charges.

41. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways 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 corporation or by twenty inhabitant ratepayers of the borough or by the Company that under the circumstances then existing all or any of the rates fares or 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 rates fares or charges should be revised the said Board may subject to the maximum rates of fares and charges authorised by this Act make an order in writing altering modifying reducing or increasing all or any of the rates fares 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.

Corporation
may use
tramways
for certain
purposes.

42. Subject to the provisions of this Act and of any regulations thereunder made by the Board of Trade the corporation 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 including workmen's trains on the tramways use the tramways by carriages moved by horses or otherwise for the removal of night-soil and house refuse and for the conveyance of scavenging stuff road metal and other materials required by the works of the corporation free of all tolls and charges in respect of such use. Provided that the corporation 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 the corporation shall indemnify the Company against any damage beyond fair wear and tear done to the permanent way by such use.

Byelaws by
Board of
Trade.

43. 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) :—
For regulating the use of any bell whistle or other warning apparatus fixed to the engines or carriages.

For providing that the 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 : A.D. 1900.

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.

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.

44. The power to make byelaws which is conferred upon the corporation (as being the local authority) by section 46 of the Tramways Act 1870 shall extend to the following matters in addition to the matters specified in the said section (that is to say) :— Byelaws by local authority.

The times and starting places for the cars run for the convenience of artizans mechanics and daily labourers :

The arrangements to be made for preventing the overflow of water from the rails on to the roadway and the removal of dirt and other matter which may be accumulated in cleaning out the grooves of the rails of the tramways.

45. 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 or by the Board of Trade regulations at which carriages are to be driven or propelled on the tramways under the authority of this Act. Amendment of the Tramways Act 1870 as to byelaws by local authority.

46. 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.

47. 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. Orders regulations &c.

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MOTIVE POWER.

Provisions
as to motive
power.

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

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

(2) The Board of Trade shall make regulations (in this Act referred to as “the Board of Trade regulations”) for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of such power:

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

(5) The cars shall not be moved by animal power save in temporary emergency.

Power to lay
and main-
tain pipes
and make
openings in
streets.

49. The Company may with the previous consent in writing of the road authority lay and maintain pipes and make openings or ways in or under the surface of any street road footpath or place in order to lay use and maintain electric conductors wires and other apparatus for transmitting electrical energy 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 Provided also that all such pipes openings or ways shall for the purposes of the Tramways Act 1870 and this Act be deemed part of the tramways. A.D. 1900.

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 :— Special provisions as to use of electrical power.

(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 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 :

(4) 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 :

(5) If any difference arises between the Company and any other party with respect to anything hereinbefore in this section

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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:

(6) 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:

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

Power to
place posts
wires &c.

51. Subject to the provisions of this Act the Company may place and maintain in or over any street road footpath or place in which the tramways or any of them are or is laid such posts brackets and overhead and other electric wires as may be necessary and proper for working the same 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 surveyor of the corporation as the road authority shall by writing approve.

Corporation
to have
right to use
standards and
brackets for
lighting.

52. The corporation shall on giving not less than fourteen days' notice to the Company of their desire so to do have the right to use any posts standards and brackets erected in the streets within the borough for the support of any electric wires or lamps or any gas lamp belonging to the corporation. Provided that in placing maintaining or altering such wires or lamps no damage shall be caused to such posts standards or brackets and no obstruction shall be caused to the working by the Company of the undertaking.

Posts &c. to
be removed
if user dis-
continued.

53. 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 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 such road authority may do all things necessary for that purpose and recover

the costs and expenses thereof with full costs of suit from the Company or they may sell and dispose of the posts brackets and wires and out of the proceeds thereof reimburse themselves the amount of such costs and expenses and the balance (if any) shall be paid to the Company. For the purposes of sections 41 and 42 of the Tramways Act 1870 the posts brackets wires and other works erected provided and used for the purpose of working the tramways by electrical power shall be deemed part of the tramways.

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

For protection of the Postmaster-General.

(B) In the event of any tramways of the Company being worked by electricity 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 Her 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. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(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)—(A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point

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of shortest distance and so continuing for a distance of six feet on each side of such point) 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 ;

(B) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

(4) 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 :

(5) 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 cognizance of the case that the immediate doing of the act or execution of the work 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 :

(6) 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 :

(7) 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 :

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

(9) 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: A.D. 1900.

(10) 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:

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

55. All works to be executed by the Company in any street road footpath or place for working the tramways by mechanical power in pursuance of the powers of this Act shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned. Mechanical power works to be subject to section 30 of Tramways Act 1870.

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

CAPITAL &C.

57. The capital of the Company shall be three hundred thousand pounds in thirty thousand shares of ten pounds each. Capital.

58. The Company shall not issue any share created under the authority of this Act nor shall any such 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. Shares not to be issued until one fifth paid.

59. If any money is payable to a shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

60. The Company may from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole twenty thousand pounds in respect of each sixty thousand pounds of capital But no part of any of the before-mentioned sums of twenty thousand pounds shall be borrowed until shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to Power to borrow.

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certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued bona fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also 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.

Mortgages to
comprise
purchase
money paid
on com-
pulsory sale.

61. 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 sale to the local authority and also all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement
of power of
future pur-
chase by
corporation.

62. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not remain a charge upon the tramways or the undertaking or any part thereof in the event of compulsory purchase by the corporation under this Act.

For appoint-
ment of a
receiver.

63. 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 three thousand pounds in the whole.

Company not to
create debenture
stock.

64. The Company shall not create debenture stock.

Application
of moneys.

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

Money
borrowed on
mortgage
to have
priority.

66. All moneys to be borrowed on mortgage under this Act 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 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 tramways or by the exercise of any of the powers conferred upon the Company.

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

First
ordinary
meeting.

68. The number of directors shall until the first ordinary meeting of the Company be four but the Company may at that or at any subsequent ordinary meeting increase the number to seven and may from time to time reduce and again increase the number provided that the number be never less than three nor more than seven.

Number of
directors.

69. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Qualification
of directors.

70. The quorum of a meeting of directors shall be three and of a general meeting of the Company shall be shareholders present in person or by proxy holding in the aggregate not less than one twentieth of the capital of the Company.

Quorum of
meetings.

71. William Martin, Murphy, Joseph, Barber, Glenn, Arthur, Joseph Salter and John Starkie Gardner 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 or 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 first 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 hereinbefore contained for increasing or reducing 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.

72. The auditors need not hold shares in the Company.

Auditors not
required to hold
shares.

73. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any money by this Act authorised to be raised pay interest at such rate not

Power to
pay interest
out of capital
during con-
struction.

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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 hereinafter stated (that is to say):—

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade 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 thirty-six 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 half-yearly 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 hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this 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 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.

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

74. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of three thousand three hundred and twenty-three pounds one shilling being five per centum upon the amount of the estimate in respect of the tramways and four per centum in respect of the street widenings and other works authorised by this Act 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 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 tramways open the same for the public conveyance of passengers And if the Company shall make default in so opening the 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 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 deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised 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.

75. 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 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 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 tramways and shall be distributed

Application
of deposit
fund.

A.D. 1900.

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 from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Repayment
of portion of
deposit fund
applicable to
street widen-
ings and
other works.

76. On the application of the depositors at any time after the passing of this Act the High Court may and shall order that a sum being the portion of the deposit fund applicable to the street widenings and other works other than the tramways by this Act authorised 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.

TRANSFER OF LIGHT RAILWAY.

Dissolution
of light
railway
company and
transfer of
undertaking
to company.

77. On the passing of this Act the light railway company shall be and the same is hereby dissolved and all the rights powers privileges and authorities which by the Bexhill and St. Leonards Light Railway Order 1899 are conferred upon the light railway company and the undertaking of the light railway company are by this Act transferred to and vested in the Company who may in their own name and under their own seal or under the hands of their directors secretary officers and servants exercise all those rights powers privileges and authorities (except the powers relating to the capital constitution and management of the light railway company which powers are by this Act repealed) as fully and effectually in all respects as the light railway company or the directors secretary officers and servants of that company as the case may be might have exercised the same if this Act had not been passed and the Company shall discharge and fulfil all liabilities and obligations (so far as such liabilities and obligations are not otherwise discharged fulfilled released or arranged for) of the light railway company under the said order and under all contracts and

agreements entered into by them or on their behalf in reference to the light railway or connected therewith. A.D. 1900.

78. All the provisions of the Bexhill and St. Leonards Light Railway Order 1899 except those relating to the constitution of the light railway company and to the share and loan capital of the light railway company shall (so far as applicable) have effect as if the Company had been named throughout the same instead of the light railway company and the undertaking authorised by the said order shall subject to the provisions of the said Act be executed worked and managed by the Company as part of their undertaking.

Light railway to become part of undertaking of Company.

79.—(1) The directors of the light railway company who are in office at the time of the passing of this Act and the survivors or survivor of them may notwithstanding the dissolution of the light railway company continue to act and may take any proceedings necessary or proper for winding up the affairs of the light railway company and distributing the assets thereof (if any).

Directors of light railway company to wind up affairs.

(2) The Company shall pay to the directors of the light railway company for distribution a sum of money to cover all expenditure incurred by them in obtaining the said order or in the acquisition of land for the purposes of the railway thereby authorised or otherwise in the execution of the powers of that order.

MISCELLANEOUS.

80. The corporation may if they by special resolution so decide within six months after the expiration of a period of twenty-five years from the commencement of this Act or within six months after the expiration of every subsequent period of seven years by notice in writing require the Company to sell and thereupon the Company shall sell to them their undertaking within the borough authorised by this Act upon terms of paying the fair market value thereof as a going concern such value to be in case of difference determined by arbitration under the Tramways Act 1870 as incorporated with this Act.

Power to corporation to purchase compulsorily.

81. In the event of the Company proposing to exercise their power of sale under section 44 of the Tramways Act 1870 as incorporated with this Act the Company shall before selling to any company or person offer to sell to the corporation at the price at which they shall have bona fide arranged to sell to such company or person in the event of the corporation not accepting such offer.

Right of pre-emption to corporation.

82.—(1) The Company may subject to the provisions of this Act enter into agreements with the corporation as the road authority with respect to the forming laying down maintaining renewing repairing working and using of the tramways and the rails plates

Agreements with corporation.

A.D. 1900.

sleepers posts wires apparatus and works connected therewith 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.

(2) The Company on the one hand and the corporation on the other hand may enter into and carry into effect agreements with respect to the cost of widening and improving by the corporation of any roads streets courts passages and footpaths within the borough and as to the contribution by the Company towards the moneys to be expended on such works and the payment of any sums payable under this section by the Company to the corporation shall be deemed a purpose of this Act to which capital is properly applicable.

Agreements with corporation as to supply of electrical energy.

83. The Company on the one hand and the corporation on the other hand may enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say) :—

(1) The supply to the Company by the corporation of electrical energy for working any tramways which may for the time being be worked by the Company by electrical power under the foregoing provisions of this Act or otherwise :

(2) The supply to the corporation by the Company of electrical power for any purpose for which the corporation are for the time being authorised to supply the same :

(3) The payments to be made or other consideration to be given in respect of any such supply of energy.

Supply of electrical energy by the Company.

84.—(1) The Company may enter into and carry into effect agreements with any company body or person authorised by any Provisional Order or Act to supply electrical energy for the supply by the Company to such company body or person of electrical energy.

(2) The Company may under the provisions of the Electric Lighting Acts 1882 and 1888 make application for a Provisional Order or licence to supply electrical energy for public and private purposes and may apply their funds for the purpose of such application.

Further provisions for the Postmaster-General.

85. The provisions of the section of this Act of which the marginal note is "Power to make connexion with light railway" so far as the same are for the protection of the Postmaster-General shall apply to any supply of electrical energy by the Company under the two immediately preceding sections and all provisions for the protection of the Postmaster-General which are contained in the Hastings Corporation Electric Lighting Order 1898 shall

apply to any supply of electrical energy by the corporation under the same sections or either of them. A.D. 1900.

86. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily. Copy of Act to be registered.

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

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

89. 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. Costs of Act.

A.D. 1900.The SCHEDULE referred to in the foregoing Act.HOUSES BUILDINGS OR PREMISES OF WHICH PORTIONS ONLY MAY
BE REQUIRED.

Parish or Place.	No. on deposited Plan.
Borough of Hastings - - -	9 and 29

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