



## CHAPTER clxxx.

An Act to authorise the Chatham and District Light Railways Company to construct tramways and tramroads and other works and for other purposes. A.D. 1903.

[11th August 1903.]

**W**HEREAS by the Chatham and District Light Railways Order 1899 (in this Act called "the Order of 1899") the Chatham and District Light Railways Company (in this Act called "the Company") were incorporated and authorised to make and maintain certain light railways in the borough of Chatham and urban district of Gillingham in the county of Kent in that Order specifically described :

And whereas the light railways so authorised have been constructed and opened for public traffic by the Company :

And whereas the construction of the tramways and tramroads and other works by this Act authorised would be of public advantage and it is expedient that the Company be authorised to construct the same :

And whereas it is expedient that the Company be authorised to abandon and discontinue for the purpose of public traffic the light railway herein-after more particularly described :

And whereas it is expedient that the Company be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking and to apply their funds to any such purposes :

And whereas plans and sections showing the lines situations and levels of the tramways tramroads and street works by this Act authorised the plans showing also the lands which may be taken or used compulsorily under the powers of this Act with a book of

[Ch. clxxx.] *Chatham and District Light Railways Company Act, 1903.* [3 Edw. 7.]

A.D. 1903. — reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited for public inspection with the clerk of the peace for the county of Kent and the said plans sections and book of reference respectively are in this Act referred to as “the deposited plans sections and book 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 King’s most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.       **1.** This Act may be cited as the Chatham and District Light Railways Company Act 1903.

Incorporation of general Acts.       **2.** The following Acts and parts of Acts are so far as applicable to and except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act (that is to say) :—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

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 non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The making of dividends ;

The giving of notices ; and

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

Part I. (relating to cancellation and surrender of shares) and

Part II. (relating to additional capital) of the Companies Clauses Act 1863 :

The Lands Clauses Acts :

And section 3 (Interpretation of terms) and Parts II. and III. A.D. 1903.  
of the Tramways Act 1870 :

Provided that the provisions of Part II. of the Tramways Act 1870 herewith incorporated shall not apply to any portion of the tramroads by this Act authorised which are not intended to be laid along the carriageway of any street or road.

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

The expressions "the tramways" and "the tramroads" respectively mean the tramways and tramroads by this Act authorised ;

The expression "mechanical power" means electric and every other motive power (other than animal power) ;

The expression "the undertaking" means the undertaking by this Act authorised ;

The word "engine" includes motor ;

And the word "contingency" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authorities under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company :

And in this Act and for the purposes of this Act in the Tramways Act 1870 the expression "local authority" shall mean with reference to a rural district the district council of that district.

**4.** Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court. Recovery of demands under fifty pounds.

**5.** If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or specified in the deposited book 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 Kent for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from a mistake they shall certify the same Correction of errors &c. in deposited plans and book of reference.

[Ch. clxxx.] *Chatham and District Light Railways* [3 Edw. 7.]  
*Company Act, 1903.*

A.D. 1903. — accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Kent and a duplicate thereof shall also be deposited with the town clerk of the city or borough or clerk to the council of the urban district or parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book 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.

Power to  
make tram-  
ways &c.

6. Subject to the provisions of this Act the Company may construct lay down work maintain and use in the lines and according to the levels shown on the deposited plans and sections the tramways and tramroads herein-after described with all proper rails plates chairs sleepers bridges embankments sewers drains roads approaches posts cables engines engine-houses carriage-houses stables sheds waiting-rooms weigh-bridges weighing machines buildings works and conveniences connected therewith.

The works herein-before referred to and authorised by this Act are—

Tramroad No. 1.—A tramroad (2 miles 2 furlongs or thereabouts in length of which 3 furlongs 4 chains is intended to be laid along the carriageway of streets or roads) commencing by a junction with the Company's existing light railway at or near the corner of Chatham Hill and Beacon Close Lane and terminating on the west side of Berengrave Lane near its junction with the main road leading from Chatham through Sittingbourne to Canterbury (herein-after referred to as "Watling Street"):

Tramway No. 2.—A tramway (6 furlongs and 8·1 chains or thereabouts in length of which 4 furlongs 1 chain is single line and 2 furlongs 7·1 chains double line) commencing at the termination of Tramroad No. 1 by this Act authorised and terminating in Watling Street aforesaid at a point about 50 yards south-east of the junction of Almshouse Lane Rainham with Watling Street:

Tramway No. 3.—A tramway (5 furlongs and 8 chains or thereabouts in length of which 3 furlongs 7·5 chains is single

line and 2 furlongs 0·5 chain double line) commencing in Week Street Maidstone at or near its junction with County Road and terminating in Sandling Road at the point where the Maidstone borough boundary crosses it: A.D. 1903.

Tramway No. 4.—A tramway (3 furlongs and 0·9 chain or thereabouts in length of which 2 furlongs 0·3 chain is single line and 1 furlong 0·6 chain double line) commencing in Sandling Road aforesaid at the termination of the Tramway No. 3 by this Act authorised and terminating in the main road leading from Maidstone to Chatham (herein-after referred to as “the Roman Road”) at a point about 20 yards north-west of the carriage entrance to the house known as Sandling Place:

Tramroad No. 5.—A tramroad (5 miles 6 furlongs and 5·6 chains or thereabouts in length of which 1 mile 1 furlong 9·5 chains is intended to be laid upon waste land by the side of roads and 1 mile 4 furlongs 9·4 chains is intended to be laid along the carriageway of streets or roads) commencing in the Roman Road aforesaid at the termination of the Tramway No. 4 by this Act authorised and terminating in that road by a junction with the Company’s existing light railway at the terminus thereof near the Chatham Extra Cemetery:

Tramway No. 8.—A tramway (7 furlongs and 1 chain or thereabouts in length of which 5 furlongs 3·2 chains is single line and 1 furlong 7·8 chains double line) commencing in the main road from Gravesend to Rochester at a point 420 yards or thereabouts eastward of the Falstaff Inn and terminating in that road at a point 20 yards or thereabouts south-east of the junction therewith of the road leading to Rede Farm:

Tramway No. 13.—A tramway (7 furlongs and 1·20 chains or thereabouts in length of which 3 furlongs 1 chain is single line and 4 furlongs 0·20 chain double line) commencing in the New Road Rochester at the point at which the boundary of the city of Rochester crosses that road and terminating by a junction with the Company’s existing light railway in Chatham Hill at or about the junction of Chatham Hill with the New Road Chatham:

Tramway No. 13A.—A tramway (1 chain or thereabouts in length the whole of which is double line) commencing by a junction with Tramway No. 13 by this Act authorised

A.D. 1903.

in the New Road Chatham at or about the junction of that road with Luton Road and terminating by a junction with the Company's existing light railway in Luton Road at a point 15 yards or thereabouts south-east of the junction of the said roads :

Tramway No. 14.—A tramway (9 chains or thereabouts in length the whole of which is double line) commencing in the New Road Chatham by a junction with Tramway No. 13 by this Act authorised at or about the junction of Manor Road with New Road Chatham and terminating in Maidstone Road Chatham by a junction with the Company's existing light railway at a point about 18 yards south-east of the intersection of Railway Street and Maidstone Road aforesaid :

Tramway No. 14A.—A tramway (1·6 chains or thereabouts in length the whole of which is double line) commencing by a junction with Tramway No. 14 by this Act authorised at or about the junction of the road leading from the New Road Chatham to Railway Street with Railway Street and terminating by a junction with the Company's existing light railway in Railway Street at the bridge carrying New Road Chatham over that street :

Tramway No. 15.—A tramway (2 furlongs and 9·9 chains or thereabouts in length the whole of which is double line) commencing in High Street Chatham near St. Bartholomew's Chapel and terminating in Military Road Chatham by a junction with the Company's existing light railway near the junction of George Street with Military Road aforesaid :

Tramway No. 19.—A tramway (8·6 chains or thereabouts in length the whole of which is double line) commencing by a junction with the Company's existing light railway in Lower Dock Road and terminating by a junction with the Company's existing light railway in High Street Old Brompton at a point about 12 yards measured in a north-easterly direction from the junction of Middle Street Old Brompton with High Street :

Tramway No. 19A.—A tramway (1·5 chains or thereabouts in length the whole of which is double line) commencing by a junction with the Company's existing light railway in Lower Dock Road aforesaid and terminating by a junction with Tramway No. 19 by this Act authorised at or about the north-western end of Middle Street aforesaid.

7. The provisions of section 16 of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway shall be incorporated with this Act in relation to and shall apply to the tramroads (so far as the same are situate on private lands) and for the purposes of such provisions the tramroads shall be deemed to be railways and the Company shall be deemed to be a railway company.

A.D. 1903.  
Incorporation of certain provisions of Railways Clauses &c. Act.

8. If the tramways and tramroads are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for constructing the tramways and tramroads or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

Period for completion of works.

9. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of eleven thousand two hundred and thirty-two pounds three shillings and fivepence Two-and-three-quarters per centum Consolidated Stock (now Two-and-a-half per centum Consolidated Stock) being at the price at which the same was purchased equal to five per centum upon the amount of the estimate in respect of the tramways and tramroads (including street improvements connected therewith) originally proposed to be authorised by this Act was transferred into the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act And whereas the works originally proposed to be authorised by this Act included certain works respectively described on the deposited plans as Tramways Nos. 7 8 9 9A 10 11 12 13 16 18 and 18A and Tramroad No. 17 and the powers to construct the said Tramways Nos. 7 9 9A 10 11 12 16 18 and 18A and the said Tramroad No. 17 and a portion of the said Tramway No. 8 and of the said Tramway No. 13 and certain street improvements connected therewith were struck out of the Bill for this Act during its progress through Parliament And whereas of the stock so transferred as aforesaid the sum of five thousand three hundred and one pounds sixteen shillings and fivepence represents five per centum upon the amount of the estimate in respect of the tramways tramroad and portions of tramways and of the street works powers to construct which were so struck out of the Bill for this Act (such

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

[Ch. clxxx.] *Chatham and District Light Railways* [3 Edw. 7.]  
*Company Act, 1903.*

A.D. 1903. amount of five per centum being in the case of the portions of Tramway No. 8 and Tramway No. 13 so struck out calculated so as to bear to the total sum deposited in respect of such tramways respectively the same proportion as the length of the portions of the said tramways so struck out of the Bill bore to the total length of such tramways) and the sum of eight hundred and three pounds twelve shillings and elevenpence represents five per centum upon the amount of the estimate in respect of the street improvements authorised by this Act and the remainder of the said stock amounting to the sum of five thousand one hundred and twenty-six pounds fourteen shillings and one penny represents five per centum upon the amount of the estimate in respect of the other tramways and tramroads authorised by this Act and five per centum upon the amount in respect of the portions of the said Tramways Nos. 8 and 13 (calculated in manner aforesaid) authorised by this Act and such sum of five thousand one hundred and twenty-six pounds fourteen shillings and one penny stock is herein-after referred to as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways and tramroads open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramways and tramroads 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 or tramroads 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 and tramroads 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 and tramroads so opened bears to the entire length of the tramways and tramroads 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



[3 EDW. 7.] *Chatham and District Light Railways* [Ch. clxxx.]  
*Company Act, 1903.*

produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding. A.D. 1903.

**10.** If the Company do not previously to the expiration of the period limited for the completion of the tramways and tramroads 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 tramroads or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and also in compensating all road authorities for the expense incurred by them in taking up any tramway or tramroad 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 or tramroads and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors 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 as and when the same become payable be paid to or on the application of the depositors. Application of deposit.

**11.**—(1) On the application of the depositors at any time after the passing of this Act the High Court may and shall order that the sum of six thousand one hundred and five pounds nine shillings Providing for release of part of stock transferred.

A.D. 1903. — and fourpence Two-and-a-half per centum Consolidated Stock part of the said sum of eleven thousand two hundred and thirty-two pounds three shillings and fivepence Two-and-three-quarters per centum Consolidated Stock so transferred as aforesaid together with any interest or dividends which may have accrued thereon shall be transferred to the depositors or as they shall direct.

(2) In the event of the mayor aldermen and burgesses of the borough of Maidstone deciding in accordance with the provisions of the section of this Act of which the marginal note is "For protection of corporation of Maidstone" to exercise the powers conferred upon the Company in regard to the construction of the Maidstone tramways as defined by that section the High Court may and shall on the application of the depositors referred to in the section of this Act of which the marginal note is "Deposit money not to be repaid except so far as tramroads are opened" order that the sum of four hundred and sixty-one pounds eleven shillings and one penny Two-and-a-half per centum Consolidated Stock part of the deposit fund referred to in the said last-mentioned section of this Act which represents five per centum upon the amount of the estimate in respect of the said tramways and the interest and dividends which may have accrued thereon be paid and transferred to the said depositors or as they may direct.

Power to  
make street  
works.

12. Subject to the provisions of this Act the Company may in the lines and situations and according to the levels shown on the deposited plans and sections make the new street alterations of roads and other works shown on those plans and herein-after described (that is to say) :—

- (1) A new street in continuation of Middle Street Old Brompton commencing at the north-west side of River Street opposite the junction therewith of Middle Street aforesaid and terminating on the south-east side of Lower Dock Road :
- (2) Widenings of Watling Street in the parish of Rainham on the south-west side thereof—
  - (A) Between points respectively situate 200 yards and 440 yards or thereabouts south-east of the junction of Twydall Lane with Watling Street ;
  - (B) Between points respectively situate 110 yards and 280 yards or thereabouts south-east of the junction of Berengrave Lane with Watling Street ;

- (c) For a distance of about 40 yards measured in a south-easterly direction from the east side of Almshouse Lane : A.D. 1903.
- (3) Widenings of the Roman Road in the parish of Boxley on the west side—
- (A) Between points respectively situate 130 yards and 220 yards or thereabouts north of the point where the borough boundary of Maidstone crosses the Roman Road ;
- (B) Between points respectively situate 330 yards and 480 yards or thereabouts north of the point where the borough boundary of Maidstone crosses the Roman Road ;
- (c) For a distance of about 90 yards measured in a southerly direction from the stream crossing under the Roman Road immediately to the south of the house known as Brooklyn ;
- (D) For a distance of about 50 yards measured in a northerly direction from the north side of the lane leading from Tyland to Cosington :
- (4) Widenings of the Roman Road in the parish of Boxley on the east side—
- (A) For a distance of about 40 yards measured in a southerly direction from the aforesaid stream crossing under the Roman Road immediately to the south of Brooklyn ;
- (B) For a distance of about 290 yards measured in a northerly direction from the entrance to Abbey Court ;
- (c) For a distance of about 140 yards measured in a northerly direction from the lane leading from Tyland to Abbey Gate :
- (5) A diversion of the carriageway of the Roman Road in the parish of Aylesford by widening the said carriageway on the south-west and west sides and narrowing the same on the north-east and east sides for a distance of about 640 yards measured in a north-westerly and northerly direction along the said road from the road leading from Lower Bell Inn to Aylesford :
- (6) A widening of the Gravesend and Rochester main road in the parishes of Higham and Frindsbury Extra on the south-west side from a point about 20 yards measured in a south-easterly direction from the Falstaff Inn to a point about

[Ch. clxxx.] *Chatham and District Light Railways* [3 Edw. 7.]  
*Company Act, 1903.*

A.D. 1903.

120 yards north-west of the junction with the aforesaid main road of the road leading to Rede Farm :

- (7) The rounding off of the corner on the south side of East Row at its junction with Maidstone Road Rochester :
- (8) The rounding off of the footpath on both corners of Victoria Street at its junction with Star Hill Rochester :
- (9) The rounding off of the footpath on the northern corner of Middle Street Old Brompton at its junction with High Street Old Brompton.

As to repair  
of new and  
altered  
streets.

**13.** The new street by this Act authorised when constructed and the aforesaid streets and roads as so widened and altered shall (subject to the provisions of the Tramways Act 1870 and of this Act as to the repair by the Company of part of roads in which tramways are laid) be and continue vested in and repairable by and under the control and management in all respects (A) in the case of the said new street of the authority having now the control and management of streets and roads in the urban district of Gillingham and (B) in the case of the streets and roads so widened and altered of the authority having now the control and management of such streets and roads.

Power to  
make sub-  
sidiary works  
in connexion  
with street  
works.

**14.** Subject to the provisions of this Act and within the limits defined on the deposited plans the Company in connexion with the new street or the widenings or alterations of streets and roads by this Act authorised and as part and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or contiguous to the said new street or the widenings or alterations of streets and roads by this Act authorised and may make diversions or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the altered street or road or of crossing under or over the same or otherwise but full compensation shall be made to the owners and occupiers (if any) whose property shall be injuriously affected by the exercise of the powers of this section.

Power to  
alter drains  
pipes &c.

**15.** The Company may for any purpose in connexion with the new street or the widenings or alterations of streets and roads by this Act authorised upon any lands acquired by them under the powers of this Act and also in any street within the limits of deviation shown on the deposited plans raise sink or otherwise alter the position of any sewer drain channel waterpipe gaspipe or hydraulic pipe belonging to or connected with any house or building

adjoining or near to such works and also any main or other pipe for carrying a supply of gas or water or for hydraulic purposes or any pipe tube wire or apparatus laid down or used for telegraphic telephonic or electric purposes and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company or person who suffers damage by such alteration :

A.D. 1903.

Provided that the Company shall not raise sink or otherwise alter or interfere with any pipe tube wire or other apparatus laid down or used for telegraphic or telephonic purposes by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

**16.** Upon the completion of the diversion of the carriageway of the Roman Road in the parish of Aylesford by this Act authorised the Company may stop up and cause to be discontinued as a road the portion of the carriageway of the said road between the respective points of commencement and termination of the said diversion which will lie to the north-east and east of the diverted carriageway and when and so soon as such portion of carriageway is so stopped up all rights of way over the same shall cease and the Company may appropriate and use for the purposes of their undertaking the site of the portion of carriageway so stopped up freed and discharged from all public and other rights therein or thereover.

As to  
stopping up  
diverted  
portions of  
Roman Road.

**17.—(1)** The Company in constructing any portion of the tramroads which will not be laid along the carriageway of any street or road may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and they may deviate from the levels thereof shown on the deposited sections to the extent and subject to the conditions prescribed in the case of a railway by sections 11 12 14 and 15 of the Railways Clauses Consolidation Act 1845 as amended by section 4 of the Railways Clauses Act 1863 and those sections shall apply to such tramroads as if the same were a railway within the meaning of that Act.

Power to  
deviate.

(2) The Company may in making the new street and widenings and alterations of streets and roads by this Act authorised deviate

A.D. 1903. from the levels thereof respectively shown on the deposited sections to any extent not exceeding two feet.

For pro-  
tection of  
Preston Hall  
Estate.

18. In exercising any of the powers by this Act authorised the Company shall be subject to the following conditions for the protection of the estate of Henry Leonard Campbell Brassey which term includes for the purposes of this section his sequels in title :—

- (A) The Company shall for the purpose of their undertaking only acquire so much of the land forming part of the Preston Hall Estate as shall be actually necessary for Tramroad No. 5 authorised by this Act and for fencing the same and the land to be so acquired shall be that which immediately adjoins the high road :
- (B) Tramroad No. 5 shall between the junction of the cross-road from Snodland to Aylesford Common and the junction of the road from Aylesford to Maidstone with the high road from Rochester to Maidstone follow the vertical contour of the road as far as reasonably practicable :
- (c) Wherever any part of the existing high road shall be closed under the powers contained in the section of this Act the marginal note whereof is “As to stopping up diverted portions of Roman Road” the said Henry Leonard Campbell Brassey his agents tenants servants and workmen shall have all the same rights of way and user over or under the parts so closed for obtaining access to any part of the Preston Hall Estate or for drainage or other purposes as are reserved to him under the next subsection over the land to be acquired by the Company from him under the powers of this Act and the Company shall be under such and the same obligations to him as to affording access over or under such closed portions of the high road as are provided in the next subsection over or under the land to be acquired by the Company from him :
- (D) The Company shall at all times afford access to the said Henry Leonard Campbell Brassey and his agents tenants servants and workmen over or under any land acquired by the Company from him under the provisions of this Act whether before during or after the construction of Tramroad No. 5 by this Act authorised for enabling him to deal with any land of his for building or for drainage or any other purposes whatsoever and will whenever so required by the said Henry Leonard Campbell Brassey provide and maintain

such roads or footpaths as may be reasonably necessary for affording separate means of access to separate holdings or occupations over the said tramroad between the points mentioned in subsection (b) by levelling up with suitable material the tramroad to the top surface of the rails and (if required by the said Henry Leonard Campbell Brassey) providing guard rails. All existing means of access whether by roads gates or footpaths shall be maintained by the Company in the same manner as above provided in the case of any new means of access : A.D. 1903.

- (E) All fenced land acquired by the Company from the said Henry Leonard Campbell Brassey shall be properly fenced off by the Company from the adjoining land and shall where necessary be protected by gates and such fences and gates shall be maintained by the Company in good order and condition :
- (F) No buildings or other erections except standards for carrying the lines and overhead equipment or other apparatus for working the Company's tramroads or tramways shall be erected upon any land to be acquired by the Company from the said Henry Leonard Campbell Brassey without his consent in writing :
- (G) Nothing used by the Company other than rolling-stock on Tramroad No. 5 between the points mentioned in subsection (b) shall be used or be permitted to be used for the purpose of advertisement without the consent of the said Henry Leonard Campbell Brassey :
- (H) Tramroad No. 5 where it passes the Lower Bell Inn Tyland Farm Buildings and Brick-on-Edge Cottage shall be laid at such a distance from those buildings respectively that a space of not less than nine feet six inches shall be left between the edge of the footpath adjoining the said Lower Bell Inn Tyland Farm Buildings and Brick-on-Edge Cottage respectively and the nearest rail of the tramroad :
- (I) If any dispute or difference shall arise between the said Henry Leonard Campbell Brassey and the Company as to this section or anything in relation thereto it shall be referred to arbitration in pursuance of the provisions of the Arbitration Act 1889.

19. For the protection of Major Mawdistly Gaussen Best of Park House Boxley near Maidstone the owner of certain freehold

For protec-  
tion of Major  
Mawdistly

[Ch. clxxx.] *Chatham and District Light Railways* [3 Edw. 7.]  
*Company Act, 1903.*

A.D. 1903. land in the parish and borough of Chatham shown on the deposited  
Gausson plans and thereon numbered 2 3 4 5 7 and 8 and in the parish of  
Best, Saint Margaret Intra in the city of Rochester shown on the said  
deposited plans and thereon numbered 2 7 and 8 his heirs successors  
in title and assigns (all of whom are in this section referred to as  
“the owner”) the following provisions shall have effect in the  
event of the Company proceeding with the construction of Tramroad  
No. 5 :—

- (1) The Company shall construct lay down and maintain the said proposed Tramroad No. 5 so far as the same shall run through or over the said lands now the property of the owner on the inside of the existing road fence bounding the said lands and abutting on the east and west sides of the said Roman Road where shown on the deposited plans as near thereto as possible having regard to the existing irregularities in the line of the said road boundary :
- (2) The Company shall purchase such only of the said lands of the owner as their engineers shall deem necessary for the construction and fencing of the said tramroad and also all such portions of the said lands as may be thereby severed from the remainder of the said lands and lie between the said tramroad and the said Roman Road at the price of one hundred pounds per acre which shall include compensation for damage to the owner of every description and shall be in satisfaction of all claims in respect of damage caused by severing the land acquired from any other property of the owner or by otherwise injuriously affecting any such other property in the exercise of any of the powers conferred upon the Company by this Act :
- (3) The Company shall pay all tenants compensation incident to the construction and user of the said tramroad and shall subject as herein-after provided indemnify the owner from all claims in respect thereof In consideration of the price herein-before provided to be paid by the Company the owner guarantees that the total inclusive liability of the Company for compensation to the tenants in respect of the construction of the said tramroad shall not exceed the sum of ten pounds per acre and shall indemnify the Company against any liability in excess of ten pounds per acre :
- (4) The Company shall give to the owner and his tenants two calendar months' previous notice of their intention to acquire



any part of the said lands and such notice shall be accompanied by a plan drawn to a scale of not less than two chains to an inch showing the land proposed to be taken and upon entering upon any part of such land the Company shall forthwith and before using the same for the purposes of the tramway undertaking construct and thenceforth for ever maintain repair and when necessary renew a five-strand fence of galvanised wire with substantial posts along the side of the proposed tramroad adjoining the other lands of the owner and so as to effectually fence off the said tramroad therefrom :

- (5) The Company shall construct and lay down the said tramroad so that upon all lands acquired from the owner the finished level of the tramroad shall correspond as nearly as reasonably practicable with the surface level of the adjoining Roman Road :
- (6) The Company shall within one calendar month after notice in writing from the owner or his agent for the time being requiring them so to do provide and thenceforth maintain on so much of the said tramroad as shall adjoin the owner's said lands such macadamised crossings with proper guard rails and gates in the said wire fence not less than twelve feet in width as the owner may reasonably require Provided that no two of such crossings shall be required to be nearer together than fifty yards :
- (7) The Company shall not use any part of the lands acquired from the owner under this section for any of the purposes of the sections of this Act the marginal notes whereof are "Restriction on displacing persons of labouring class" and "Generating stations" respectively :
- (8) Notwithstanding anything contained in this Act or in any general Act incorporated therewith the Company shall not erect any building or structure whatsoever except posts and standards for carrying the lines and overhead equipment or other apparatus necessary for working the Company's tramways and tramroads nor set up any notice board or advertisement on in or in front of the said lands of the owner without the previous consent in writing of the owner or his agent for the time being but such consent shall not be unreasonably withheld as regards the erection of any buildings which may be necessary for the due working of the tramways :

A.D. 1903.

- (9) As and when from time to time the owner shall be about forthwith to commence building operations on any of his lands adjoining the said Tramroad No. 5 or to sell or lease any of such lands for building purposes and of such intention shall in each case give to the Company and leave at their principal office notice in writing stating the portion or portions of the said lands to which such respective notice shall apply and requiring the construction by the Company of a road or roads for the accommodation of the owner in connexion with such portion or portions of his land then and in each and every such case the Company shall within three calendar months after the receipt of such notice form construct and metal and in all respects complete fit for traffic in a substantial and permanent manner and to the reasonable satisfaction of the owner a road or roads for all purposes of the clear width of ten feet parallel with and adjoining the said Tramroad No. 5 on the owner's side thereof throughout the portion or portions of his said lands to which such notice respectively shall apply and the owner shall without payment therefor provide the land necessary for the construction of each such road and each and every such road shall when made be and remain the property of the owner And if the Company shall not so construct and complete any such road within the said period they shall in the case of each such default forthwith pay to the owner the sum of three pounds ten shillings for each week's delay as liquidated and ascertained damages and not as a penalty :
- (10) The Company shall at all times allow the owner to construct lay down maintain and keep such sewers drains water and gas pipes beneath the said tramroad as may from time to time be reasonably required by the owner and without payment of any rent or compensation therefor except as herein-after mentioned Provided always that in so doing the owner shall not cause any avoidable disturbance or obstruction of the traffic on the said tramroad and that any damage so caused to the said tramroad shall be forthwith made good by the owner at his own expense :
- (11) In case of any difference or dispute between the owner and the Company touching or arising out of this section or the construction thereof or the rights duties or obligations of

either party hereunder or as to anything to be done in pursuance of the provisions in this section contained the same shall from time to time be referred to arbitration in manner provided by the Arbitration Act 1889. A.D. 1903.

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

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

- (1) If by reason of any works to be executed by the Company in pursuance of the provisions of this Act any alterations are rendered necessary in the position of any mains pipes or apparatus belonging to the protected company such alterations shall if the protected company so desire be executed by the protected company at the reasonable expense of the Company and in that case the protected company shall within seven days of receiving notice from the Company of their intention to execute any such alterations give notice of the intention themselves to execute such alterations and shall commence and complete the same with all reasonable despatch and in default of so doing the Company may carry out such alterations :
- (2) The protected company shall not be responsible to the Company for any damage sustained by the Company in consequence of any road subsiding after the relaying of any main pipe or apparatus has been completed and the ground above the same filled in provided such work shall have been executed with all care and in a proper and workmanlike manner :
- (3) Any difference which may arise between the Company and the protected company under this section shall be determined by an arbitrator to be appointed by the Board of Trade upon the application of either party.

**21.** For the protection of the county council of Kent (in this section called "the county council") the following provisions shall unless otherwise agreed between the county council and the Company have effect (that is to say) :—

For protection of Kent County Council.

- (1) When constructing any tramways or tramroads by this Act authorised on any portion of any main road repairable by the county council the carriageway of which is less than

A.D. 1903.

twenty-three feet in width the Company shall widen such carriageway to that width :

- (2) Notwithstanding anything contained in this Act it shall be obligatory upon the Company to carry goods by day on the tramways and tramroads by this Act authorised which shall be laid on any such main road as aforesaid or on land contiguous to such main road.

For protection of Gillingham Urban District Council.

**22.** If and when the Company construct the Tramway No. 19 they shall prior to opening the same for traffic purchase the property numbered on the deposited plans 27 in the parish of Chatham in the urban district of Gillingham.

For protection of corporation of Chatham.

**23.** Except in so far as may be otherwise agreed in writing between the Company and the mayor aldermen and burgesses of the borough of Chatham (in this section referred to as "the corporation") the following provisions shall notwithstanding anything contained in this Act apply and have effect (that is to say) :—

- (1) Before Tramway No. 15 authorised by this Act or any part thereof is opened for public traffic the Company shall execute at their own cost such widenings of the roads in which such tramway or such part thereof is to be constructed as may be required by the corporation :
- (2) In the following instances the provisions of section 28 of the Tramways Act 1870 shall extend and apply to the whole width of the road from kerb to kerb in which the tramway is laid (namely) :—
- (A) The whole of High Street Chatham and Medway Street in which Tramway No. 15 is by this Act authorised to be constructed ;
- (B) The new bridge carrying the New Road over Railway Street and the approaches to that bridge as far as the railing adjoining the same extends :
- (3) So much of any road except the Maidstone Road in the borough of Chatham in which the tramways are situate as the Company are by this Act or by any Act incorporated herewith required to maintain and keep in good condition and repair shall be paved by them with granite setts approved by the corporation except in the following instances when the same shall be paved with hard wood blocks approved by the corporation (that is to say) :—
- (A) The places referred to in subsection (2) of this section ;

A.D. 1903.

- (B) The New Road from the junction thereof with Luton Road to the north-west corner of Saint Paul's Schools ;
- (c) The New Road between the new bridge carrying that road over Railway Street and the south-west side of Hamond Hill :
- (4) The Company shall so construct maintain and use the tramway and works connected therewith over the bridge crossing Railway Street and over the fire station and sanitary convenience adjoining the bridge on either side as not injuriously to affect the same and in laying the rails and other works over the bridge fire station and convenience they shall not remove or break up the asphalt laid on the concrete filled into the steel troughing or in any way break or injure the asphalt or concrete or the structure of the bridge or the roofs over the said works and in the event of any injury or damage being caused to the said bridge fire station or convenience by the construction maintenance or user of the tramway or the works connected therewith the Company shall forthwith at their own expense make good and restore the same to the reasonable satisfaction of the surveyor of the corporation and should there be any leakage through the roofs of the fire station convenience and bridge after the tramway is laid arising from the laying of the tramway the Company shall at their own expense forthwith stop such leakage and make good any damage that may arise therefrom Provided that if any such injury or damage shall be caused or if there shall be any such leakage the corporation may if they think fit make good and restore such injury or damage or stop such leakage and make good the damage arising therefrom and all expenses thereby incurred by the corporation shall be repaid to them by the Company :
- (5) If the Company shall construct Tramroad No. 5 the following provisions shall apply :—
- (A) If the corporation widen the roadway of so much of Maidstone Road as extends from the southern corner of Victory Cottage to the land belonging or reputed to belong to Frederick Adam Stigant and John Henry Whitfield to a width of not less than forty feet the Company shall contribute the sum of one hundred pounds towards the cost of such widening ;

A.D. 1903.

- (B) If the corporation widen the roadway of that part of Maidstone Road upon which Victory Cottage abuts to a width of not less than forty feet the Company shall contribute the sum of four hundred pounds towards the cost of such widening :
- (6) If the corporation widen the roadway of that part of New Road upon which Cherry Tree Hall abuts the Company shall in the event of their constructing Tramway No. 13 contribute the sum of two hundred and fifty pounds towards such widening :
- (7) Any question which may arise between the corporation and the Company under the provisions of this section shall be determined by an engineer or other fit person to be appointed in default of agreement by the Board of Trade on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of corporation of Maidstone.

**24.** Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Maidstone (in this section referred to as "the corporation") shall except in so far as may be otherwise agreed between the corporation and the Company apply and have effect (that is to say) :—

- (1) In this section unless the subject or context otherwise requires "the Maidstone tramways" means the Tramways Nos. 3 and 4 authorised by this Act and so much of Tramroad No. 5 authorised by this Act as lies between the commencement thereof and the south side of the "Running Horse" :
- (2) The Company shall not exercise any of the powers conferred upon them in regard to the Maidstone tramways until after the expiration of a period of six months from the passing of this Act :
- (3) At any time before the Company have commenced the construction of the Maidstone tramways the corporation may if they so decide by resolution passed in manner provided by Part III. of Schedule A of the Tramways Act 1870 and if they forthwith give notice of such decision to the Company and cause notice thereof to be advertised in the London Gazette exercise the powers by this Act conferred upon the Company in regard to the construction laying down working maintaining and using of the Maidstone tramways and otherwise in relation thereto ;

(4)—(A) If the corporation shall give notice to the Company in accordance with the last preceding subsection the Company shall before commencing to construct any part of the works authorised by this Act between the “Running Horse” and a point one mile northward thereof give to the corporation not less than fourteen days’ notice of their intention so to do and the corporation shall construct the Maidstone tramways and equip them for electric traction on the overhead system and complete the same to the reasonable satisfaction of the Company’s engineer not later than three months after the Company have completed so much of Tramroad No. 5 as is by this Act authorised to be constructed between the “Running Horse” and a point one mile northward thereof The construction of the Maidstone tramways shall be such as will permit of through traffic on the Maidstone tramways and the Company’s lines to the north thereof ;

A.D. 1903.

(B) If the corporation shall fail to complete the Maidstone tramways in accordance with this subsection the powers conferred upon them by the foregoing provisions of this section for constructing the same or otherwise in relation thereto shall cease to be exercisable by them and thereupon the Company may construct and maintain the Maidstone tramways and work the same (including so much of the Maidstone tramways as shall have been constructed by the corporation) and exercise in relation thereto the powers conferred by this Act as if the foregoing provisions of this section had not been enacted Provided that if the corporation shall have commenced the Maidstone tramways but not completed the same the Company shall pay to the corporation the sum properly expended by them and the works shall thereupon be the property of the Company and be deemed to have been constructed by them :

(5) If Tramway No. 3 authorised by this Act shall be constructed by the Company such tramway and all works in connexion therewith within the borough of Maidstone shall be executed under the superintendence and to the reasonable approval of the corporation and the Company shall repay to the corporation any expenses reasonably incurred by them in connexion with the superintendence of the execution of the said tramway and works :

A.D. 1903.

(6) If the Company shall construct the Maidstone tramways or any part thereof the corporation if they so decide by resolution passed in manner provided by Part III. of Schedule A of the Tramways Act 1870 may at any time by not less than six months' notice in writing require the Company to sell and thereupon the Company shall sell to them the Maidstone tramways or so much thereof as shall have been constructed by the Company upon the following terms (namely) :—

(A) If the notice to purchase in pursuance of this subsection is given before the expiration of three years from the date of the certificate of the Board of Trade that the Maidstone tramways are fit for public traffic upon terms of paying the sum actually expended by the Company in the construction of the Maidstone tramways together with an amount equal to ten per centum upon that sum ;

(B) In other cases upon terms of paying a sum to be agreed or in default of agreement to be determined by arbitration as being the fair market value of the Maidstone tramways purchased as a going concern but without any allowance for compulsory purchase regard being had in determining such value to the right of the Company to a lease or to running powers as herein-after mentioned :

(7)—(A) If the corporation shall either construct or purchase the Maidstone tramways or so much thereof as aforesaid they shall (subject to the provisions of this subsection herein-after contained) grant to the Company and the Company shall accept a lease demising to the Company the right of user of the Maidstone tramways and of demanding and taking in respect of the same the fares rates and charges authorised by this Act such lease to be for a period terminating when the adjoining part of Tramroad No. 5 is purchased by the local authority for the district in which the same is situate but the corporation may at any time on giving six months' previous notice in writing to the Company determine the said lease subject to their granting running powers over the Maidstone tramways to the Company as mentioned in the following paragraph (B) ;

(B) Provided that if the corporation so desire or if the Company so require the corporation (in lieu of granting



a lease under the foregoing provisions of this subsection) shall grant running powers over the Maidstone tramways to the Company for the period referred to in paragraph (A) of this subsection or for the remainder of that period for carriages carrying passengers parcels and goods such powers to be exercised subject to such conditions as failing agreement shall be from time to time determined by arbitration : A.D. 1903.

(8)—(A) The annual rent under any lease granted under subsection (7) of this section shall be equal to six per centum on the moneys properly expended by the corporation in the construction or purchase of the Maidstone tramways and shall be paid by quarterly instalments and the lease shall contain a covenant on the part of the Company to keep the Maidstone tramways together with the electrical equipment leased in good working order and condition and to deliver the same up in such order and condition reasonable wear and tear excepted at the determination of the lease and a covenant on the part of the corporation to keep in good repair the portion of the roads in which the Maidstone tramways are laid which by the Tramways Act 1870 the promoters of tramways are bound to repair on the Company paying to the corporation annually a sum equal to one hundred pounds for every mile of road in which the Maidstone tramways are laid and so in proportion for any fraction of a mile such sum to be paid quarterly and all such other covenants clauses and provisions as are usually inserted in leases of tramways ;

(B) Provided that if the Kent County Council deduct from the sum to be paid by them to the corporation in respect of the cost of the maintenance of the road in which Tramway No. 3 is laid a larger sum than at the rate of one hundred pounds per mile by reason of the existence of the said tramway in the said road the Company shall make good such deficiency but the corporation shall not agree to any such deduction in excess of the said one hundred pounds per mile without the sanction of the Company and shall if so required by the Company take at the expense of the Company all necessary proceedings for resisting such deduction ;

(c) The payments to be made to the corporation in respect of running powers granted under subsection (7) of

A.D. 1903.

this section shall be such proportion of the annual rent which would be payable in the case of a lease and of the expenses of keeping in good condition and repair the Maidstone tramways together with the electrical equipment thereof and so much of the road in which the Maidstone tramways are laid as by the Tramways Act 1870 promoters of tramways are bound to repair as the number of car miles run by the Company's cars over the Maidstone tramways bears to the total number of car miles run by the cars of the Company and of the corporation over the same during the six months immediately preceding each payment and such payments shall be made half-yearly ;

(D) Any differences which may arise between the corporation and the Company in relation to such leases or running powers shall be determined by arbitration :

(9) The carriage of goods by the Company upon the Maidstone tramways if constructed or purchased by the corporation shall be subject to such reasonable regulations as the corporation may make and no goods which can reasonably be regarded as of an objectionable or offensive character shall be carried :

(10)—(A) The Company shall at all times after the opening of the tramways and tramroads between Maidstone and Chatham for public traffic and so long as they own or lease the same provide such service of cars between those places as may be reasonably required in the public interests ;

(B) If complaint is made to the Board of Trade by the corporation that a service of cars is not provided in accordance with paragraph (A) of this subsection the Board after considering the circumstances of the locality may by order direct the Company to provide such service of cars between Maidstone and Chatham as may appear to the Board to be reasonably required in the public interests ;

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

(11) While the Company are the owners or lessees of the Maidstone tramways the corporation shall be entitled to form connexions between the Maidstone tramways and any tramways or light railways of the corporation and to

exercise running powers over the Maidstone tramways for such consideration and upon and subject to such terms and conditions as failing agreement may be determined by arbitration: A.D. 1903.

(12)—(A) The Company shall take from the corporation and the corporation may and shall supply to the Company all electrical energy required for working or lighting the carriages used on the Maidstone tramways such energy to be supplied by the corporation to the trolley wires at the commencement of Tramway No. 3 but to be measured at the generating station of the corporation;

(B) The corporation shall provide and lay down and maintain in proper condition and repair the necessary positive and negative cables between their generating station and the point at which the energy shall be supplied such cables to be of a size and quality reasonably approved by the Company's engineer but the Company shall repay to the corporation all reasonable expenses properly incurred by them in the maintenance of such cables;

(c) While the Maidstone tramways are worked or used by the Company solely the Company shall be responsible for complying with the Board of Trade regulations including any regulations applicable to the said cables and (except in regard to the regulations relating to pressure of supply to be provided by the corporation and other matters connected with the supply of energy by the corporation) no responsibility shall attach to the corporation for any non-compliance with the Board of Trade regulations;

(D) If the corporation make default in supplying electrical energy in pursuance of this subsection they shall (unless the default be due to a strike or to circumstances beyond their control) compensate the Company for the loss sustained by the Company by reason of such default;

(E) When and so long as the carriages upon the Maidstone tramways are used only for the purposes of a through service from Maidstone to a point beyond the "Running Horse" the price to be paid by the Company to the corporation for all energy supplied under this subsection shall be at the rate of three-halfpence per unit (as defined in the Fourth Schedule to the Maidstone Electric Lighting Order 1892) Provided that the minimum sum to be paid in any year

A.D. 1903.

shall be one hundred and fifty pounds but if and when a local service of cars is provided by the Company upon the Maidstone tramways the price to be paid for such energy shall unless otherwise agreed be determined by arbitration ;

(F) The provisions of the Maidstone Electric Lighting Order 1892 shall extend and apply to the execution of any works to be executed by the corporation for the purposes of this subsection and any expenses incurred by the corporation in carrying this subsection into effect shall be deemed to be expenses incurred under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall apply accordingly to such expenses and any money received by the corporation under this subsection shall be applied in manner provided by section 52 of the Maidstone Electric Lighting Order 1892 :

(13) Subject to the provisions of the last preceding subsection the corporation may pay any expenses incurred by them in pursuance of this Act out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying obtaining and carrying into effect a Provisional Order obtained by them under the Tramways Act 1870 :

(14) Any question by this section referred to arbitration shall be determined by an engineer or other fit person to be appointed in default of agreement by the Board of Trade on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

**25.** For the protection of His Majesty's Principal Secretary of State for the War Department the following provisions shall unless otherwise agreed between the said Secretary of State and the Company have effect (that is to say) :—

(1) In the event of the value of any land belonging to the War Department which the Company may acquire under the powers of this Act not being agreed upon the same shall be determined in manner provided by the Lands Clauses Acts :

(2) Any land belonging to the War Department which the Company may acquire under the powers of this Act shall not be used by the Company for any purposes other than the purposes of this Act and in the event of any such land not being required for the purposes of this Act and becoming

For protec-  
tion of War  
Department.

superfluous lands within the meaning of the Lands Clauses Consolidation Act 1845 the said Secretary of State shall have the right to purchase the same at a price to be agreed on or failing agreement to be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands :

- (3) A space of not less than nine feet six inches shall be left between the outside of the footpath and the nearest rail of any tramroad which passes through or opposite property of the War Department except in the case of Maidstone Barracks :
- (4) The tramroads by this Act authorised where situate on or opposite to property of the War Department shall be worked subject to such regulations (if any) as the War Department may prescribe not being inconsistent with the Board of Trade regulations :
- (5) Notwithstanding anything in this Act or shown on the deposited plans the Company shall not for the purpose of constructing any tramroad under the powers of this Act acquire any greater quantity of land belonging to the War Department than shall be actually required for the purpose of the widening of the road in connexion therewith and no portion of the land of the War Department shall be left between the tramroad and the road alongside which such tramroad shall be constructed :
- (6) Notwithstanding anything shown on the deposited sections the Company shall construct the portions of Tramroad No. 5 which will be situate in the properties numbered on the deposited plans 7 in the parish of Saint Margaret Intra in the city of Rochester and 6 and 7 in the parish and borough of Chatham on the level of the ground and the Company shall not erect or permit to be erected any buildings on any of such properties :
- (7) Any land subject to clearance rights in favour of the War Department shall remain so subject notwithstanding anything in this Act contained :
- (8) The Company shall be responsible for the formation and maintenance as part of the road of any strips of road lying between any land belonging to the War Department and any tramroad authorised by this Act in the event of such strips of road not being taken over by the road authority :

A.D. 1903.

(9) Where any tramway or tramroad constructed under the powers of this Act shall pass any land or building vested in or under the control of the said Secretary of State no crossing passing-place siding junction or work other than the tramway or tramroad shown on the deposited plans shall be constructed opposite to such land or building without the approval of the said Secretary of State or of an officer acting on his behalf and if at any time it shall in the opinion of the said Secretary of State be desirable that such crossing passing-place siding junction or other work shall be altered or removed the Company shall alter or remove it to the satisfaction of the said Secretary of State within twenty-eight days from the time at which they are called upon to do so by notice in writing from such Secretary of State or officer :

(10) The Company shall not permit any of their engines or carriages to stop or stand upon any tramway constructed under the powers of this Act opposite or near to the entrance to any lands or buildings vested in or under the control of the said Secretary of State in such manner as to interfere with the access to or from such lands or buildings :

(11) Wherever it is proposed to lay any tramroad or part thereof upon the property of the War Department the Company notwithstanding anything in this Act may with the consent of the local and road authorities lay such tramroad or any part thereof on the adjoining highway Provided that no part of such tramroad shall be so laid in any such road that a less space than nine feet six inches shall intervene between the nearest rail of the said tramroad and the outside of the footpath on the side of the said road without the consent of the owner and occupier of the premises abutting on the side of the said road where such less space will intervene.

**26.** The following provisions for the protection of the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee (herein-after together referred to as "the railway company") shall unless otherwise agreed apply and have effect (that is to say) :—

(1) The Company shall not in any way alter or interfere with the structure of the bridge carrying the railway of the railway company over the Luton Road and they shall so

For protec-  
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don Chatham  
and Dover  
Railway  
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Companies'

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

A.D. 1903.  
—  
Managing  
Committee.

- (2) In the event of any injury being caused to the structure of the said bridge by the construction maintenance repairing use or removal of the said tramways works or apparatus by this Act authorised the railway company may at the reasonable expense of the Company restore the structure of the said bridge or the part or parts thereof respectively which shall be injured to as good a state and condition as the same were in before such injury was occasioned :
- (3) Whenever and so often as the railway company shall require to widen lengthen strengthen reconstruct alter or repair the bridge carrying their railway over Luton Road or to widen or alter their said railways or to lift or support the said bridge owing to the subsidence thereof and it shall be necessary for effecting any of such purposes that the working and user of any portion of the tramways by this Act authorised under the said bridge shall be wholly or partially stopped or delayed or that such portion of the said tramways should be temporarily diverted or be wholly or in part taken up or removed and the railway company shall (except in case of emergency) give to the Company seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal then the working and user of such portion of the tramways shall be stopped or delayed or the said tramways shall be diverted or taken up or removed accordingly at the expense of the Company and under their superintendence if they shall give such superintendence but only for so long as may be absolutely necessary for effecting such purposes and without the railway company being liable for any compensation claims demands damages

[Ch. clxxx.] *Chatham and District Light Railways* [3 EDW. 7.]  
*Company Act, 1903.*

A.D. 1903.

costs or expenses for or in respect of such stoppage delay or diversion taking up or removal or in any way relating thereto Provided that (except in case of emergency) the working and user of the said portion of tramway by this Act authorised under the Luton Road arch shall not be stopped delayed or interfered with for the purposes in this subsection mentioned at the same time as or within seven days of any stoppage delay or interference with the working and user of the light railways of the Company under the Chatham Hill arch :

- (4) Notwithstanding anything contained in the section of this Act the marginal note whereof is " Power to attach brackets &c. to buildings " no brackets wires or apparatus shall without the consent in writing of the railway company under the hand of their secretary be affixed or attached to the said bridge carrying the railway of the railway company over Luton Road (which consent shall not be unreasonably withheld) :
- (5) The Company shall not in the construction of Tramway No. 3 interfere in any way with the structure of the bridge carrying Week Street over the Maidstone and Ashford branch of the railway company and where the said tramway shall pass in front of the passenger and goods entrances to the Maidstone East Station of the railway company a space of at least nine feet six inches shall be given where the width of the road is sufficient to allow of it between the nearest rail and the footpath kerb and no vehicle or car used on the tramway shall be stopped or permitted to be stopped opposite the said entrances except for and only for so long as shall be absolutely necessary for the purpose of taking up or setting down passengers :
- (6) Any matter in difference between the Company and the railway company under any of the provisions of this section shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either party.

Power to acquire lands.

**27.** Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act.

Restriction on displacing persons of

**28.** The Company shall not under the powers of this Act purchase or acquire in any borough or other urban district and



elsewhere than in any borough or urban district in any parish 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 in any borough or urban district or any such parish which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. A.D. 1903.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if they think fit reduce such penalty.

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

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

- Owners may be required to sell parts only of certain properties.
- (1) The owner of and other person interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

A.D. 1903.

- (2) If for 21 days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such 21 days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice : A.D. 1903.

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

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

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

**30.** 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. Period for compulsory purchase of lands.

**31.** 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 take easements &c. by agreement.

A.D. 1903.

Power to  
acquire addi-  
tional lands  
by agree-  
ment.

**32.** The Company may by agreement purchase and acquire for the purposes of their undertaking such lands as they may require and may sell or dispose of any such lands not required for any such purpose. Provided that they shall not at any time hold for such purposes more than ten acres of land in addition to any lands which they are otherwise authorised to acquire and hold and that nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired by them under this section.

Generating  
stations.

**33.** The Company may upon any lands for the time being belonging to or leased by them or any part thereof (not being land acquired by them for the purpose of widening any street or road) erect maintain work and use a station or stations for producing generating transforming transmitting conveying and distributing electric energy or power with all necessary dynamos batteries accumulators storage motors generators transformers engines boilers pipes pumps machinery plant works buildings appliances apparatus and conveniences for that purpose and may produce generate transform transmit convey and distribute such energy or power for the purpose of working the tramways and tramroads or any tramways tramroads or light railways of or leased to or worked or run over by the Company but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so used.

As to elec-  
trical works  
&c.

**34.—(1)** The Company may construct lay down erect maintain renew and repair on in under or over the surface of any street or road (including footways) in which the tramways or tramroads will be situate or in which it may be necessary so to do in order to form connexions between such tramways or tramroads and any generating station and on in under or over any lands acquired by the Company under this Act cables electric mains wires conductors posts tubes boxes apparatus and appliances and may make and maintain openings and ways for the purpose of working the said tramways and tramroads by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road (including footways) and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder. Provided that all posts erected by the Company under

the powers of this Act in any street or road (including footways) above the level of the surface thereof shall be of such design and shall be placed in such position as shall be reasonably approved by the local authority for the district in which such posts are erected.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

**35.** The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working by electrical power of the tramways and tramroads Provided that—

Power to attach brackets &c. to buildings.

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

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

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

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

**36.** The tramways and tramroads shall be constructed with two rails on the gauge of three feet six inches and shall where laid along the carriageway of any public road be laid and maintained in such a manner that the uppermost surface of the rails

Gauge and mode of formation of tramways &c.

[Ch. clxxx.] *Chatham and District Light Railways* [3 EDW. 7.]  
*Company Act, 1903.*

A.D. 1903. shall be on a level with the surface of such carriageway Provided that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on tramways beyond the outer edge of the wheels of such carriages shall not apply to engines or carriages used on the tramways and tramroads but no engine or carriage used on such tramways and tramroads shall exceed in width six feet and six inches or such greater width as the Board of Trade may sanction.

As to rails  
of tramways  
&c.

**37.** The rails of the tramways and of the tramroads where laid along any public road shall be such as the Board of Trade may approve and the Board of Trade may from time to time require the Company to adopt and apply such improvements in the tramways and the tramroads so far as the same are laid along the carriageway of any public road 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 of such road and the Company shall with all reasonable dispatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Inspection  
by Board of  
Trade.

**38.** The tramways and tramroads shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Repair of  
part of road  
where tram-  
way &c. is  
laid.

**39.** The materials with which and the manner in which any portion of the road which under section 28 of the Tramways Act 1870 the Company are liable to maintain and keep in good condition and repair shall be maintained and kept in good condition and repair shall be such as may be agreed between the road authority and the Company or in case of difference between them as may be determined by the Board of Trade on the application of either party.

Further pro-  
visions as to  
construction.

**40.** 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 or renewing any of the tramways or tramroads lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways or tramroads where laid along the carriageway of any public road and a statement of the materials intended to be used therein and

the Company shall not commence the construction laying down maintenance or renewal of any such portion of the tramways or tramroads 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 of the road authority as provided by section 26 of the said Act. A.D. 1903.  
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**41.** The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and of the tramroads where laid along the carriageway of any street or road 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 as modified by this Act they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any such portion of tramroad or any part thereof respectively are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 as modified by this Act 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. Penalty for  
not main-  
taining rails  
in proper  
order.

**42.** If and whenever after the passing of this Act any road authority alters the level of any road along which any part of the tramways or tramroads 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  
roads.

**43.** Any paving metalling or material excavated by the Company in the construction of the tramways or tramroads or in Application  
of road  
materials

A.D. 1903.  
excavated in  
construction  
of works.

the exercise of the powers of this Act from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways or tramroads within the district of such road authority of so much of the roadway on either side of such tramways or tramroads 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.

Power to  
make addi-  
tional cross-  
overs and to  
double tram-  
way and  
tramroad  
lines.

44.—(1) The Company may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs 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 and tramroads or for providing access to any warehouses stables or carriage-houses or works of the Company.

(2) Notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade 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 or tramroads and if at any time the road in which any tramway or tramroad or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company may with the like consent construct such tramway or tramroad or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.



(3) Provided that if in the construction of any works under this section any rail is intended to be so laid in any road that a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one-third of such premises by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto. A.D. 1903.

45. When by reason of the execution of any work affecting the surface or soil of any road along the carriageway of which any of the tramways or tramroads are or is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or tramroad or any part thereof the Company may with the consent of the road authority and subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or tramroad in lieu of the tramway or tramroad or part of the tramway or tramroad so removed or discontinued. Temporary tramways or tramroads may be made when necessary.

If any difference arises between the Company and the road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway or tramroad under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

46. The Company may with the consent of the local and road authorities increase the roadway of any street in which any of the tramways or tramroads are to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street and the nearest rail of the tramway or tramroad by reducing the width of the footpath on each or either side of such street Provided that no footpath be so reduced in width as to be less than six feet wide. Company may reduce footpath.

[Ch. clxxx.] *Chatham and District Light Railways* [3 Edw. 7.]  
*Company Act, 1903.*

A.D. 1903.

Sanitary  
 authority to  
 have access  
 to sewers.

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

As to cross-  
 ing of public  
 roads.

48.—(1) The Company may in the construction of the tramroads carry the same with a single line only whilst the tramroads shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

Nos. on deposited Plans.	Parish.	Description of Road.
6	Gillingham - - -	Public road (Woodlands Lane)
8	Grange " " "	Do. (Grange Lane)
8	Gillingham - - -	Do. (Grange Lane)
10	Do. - - -	Do. (Eastcourt Lane)
13	Do. - - -	Do. (Twydall Lane)
3	Rainham - - -	Do. (Pump Lane)
5	Do. - - -	Do. (lane to Bloors Place)
3	Aylesford - - -	Do. (Pilgrims Road)
19	Do. - - -	Occupation road
1	Do. - - -	Public road (Roman Road)

(2) Provided that the Board of Trade may (if at any time after the opening and completion of the tramroads it appears to them necessary for the public safety) require the Company to erect and maintain at all times gates across the tramroads at each side of the said roads.

(3) When gates are erected and maintained in accordance with this section the following provisions shall apply:—

(A) The Company shall unless otherwise permitted by the Board of Trade from time to time in writing under the hand of an assistant secretary employ a proper person to open and close such gates on either side of the level crossings:

(B) Such gates shall be kept constantly closed across the tramroad except during the time when engines carriages or trucks passing along the tramroad shall have occasion to cross the said roads respectively and shall be of such dimensions and so constructed as when closed across the tramroad to fence in

the tramroad and prevent cattle or horses passing along the said roads or any of them from entering upon the tramroad : A.D. 1903.

- (c) The drivers or conductors of any engines carriages or trucks passing along the tramroad or other the person whose office or duty it may be to open or close the said gates shall cause the same to be closed as soon as such engines carriages or trucks shall have passed through the same.

**49.** Notwithstanding anything contained in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the Company shall not be bound to fence the line of any tramroad where the same is constructed on private land except when either before or within two years of the opening of such tramroad for public traffic the owner of any land adjoining the same shall by notice in writing require the Company to erect a fence or fences between the line of the tramroad and the land of such owner or any part thereof Provided that if the fencing shall not be continuous throughout the whole of the line of the tramroad then cattle-guards or other suitable contrivances shall where necessary be erected or constructed and maintained at the ends of the fencing so as to prevent cattle or horses from entering upon the tramroad. As to fencing of tramroads.

**50.** Where any tramroad is laid upon the unmetalled or waste land at the side of any road the Company shall construct and maintain the same— As to tramroads at side of road.

- (A) So as to avoid to the reasonable satisfaction of the road authority any interference with the proper drainage of the road ; and
- (B) So as not to cut off convenient access across the tramroad from the road to any land thereto adjoining and the Company shall whenever necessary make and maintain metalled crossings and provide guard-rails.

If any question arises under this section between the Company and the road authority or the owner or occupier of any such adjoining land that question shall be referred to arbitration under section 33 of the Tramways Act 1870.

**51.** Where under the powers of this Act the Company acquire land alongside any public road for the purpose of constructing any tramroad authorised by this Act thereon the Company shall make and maintain sufficient openings and crossings to ensure access from the public road to the land lying beyond the tramroad and any difference between the Company and any person interested in Access to public roads.

A.D. 1903. — such land in regard to such openings and crossings shall be referred to arbitration under section 33 of the Tramways Act 1870.

Tramroad  
alongside  
road to be  
above level  
of road.

**52.** Notwithstanding anything in this Act contained where any tramroad authorised by this Act shall be laid on land alongside a public road not fenced off therefrom such tramroad shall be maintained at a level of at least six inches above the level of the adjoining public road.

Provisions  
as to motive  
power.

**53.** The carriages used on the tramways and tramroads may be moved by animal power or by electrical power supplied by means of the overhead system or such other system as the Board of Trade may from time to time sanction or by such other form of mechanical power as the Board of Trade may approve.

Mechanical power shall be used subject to the following provisions (that is to say) :—

- (1) 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 tramroads and for regulating the use of mechanical power :
- (2) The Company or any other company or person using any mechanical power on the tramways and tramroads 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 :
- (3) The Board of Trade if they are of opinion—
  - (A) That the Company or any other company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or
  - (B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the

Company, or such other company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order. A.D. 1903.

**54.** Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways or tramroads 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 engine or carriages;

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

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 tramways and tramroads 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 and tramroads 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.

**55.** 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.

**56.** The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations. Amendment of Tramways Act 1870 as to byelaws by local authority.

**57.** 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 &c. of Board of Trade.

[Ch. cxxx.] *Chatham and District Light Railways Company Act, 1903.* [3 EDW. 7.]

A.D. 1903.

Alteration  
of telegraph  
lines of  
Postmaster-  
General.

**58.** 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 and in case such alteration be made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway) without his consent.

For protec-  
tion of Post  
Office tele-  
graph lines.

**59.** In the event of any tramways or tramroads or light railways 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 tramway and light railway undertakings in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the 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 such undertakings to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :
- (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 undertakings 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 or the tramroads by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work

including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

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

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of any works forming part or used for the purposes of the tramway undertaking or the light railway undertaking of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any works forming part or used for the purposes of the said undertakings or to the working of the said undertakings the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for tramway or light railway purposes by the Company at any such works enter thereon for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the

A.D. 1903,  
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act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression “ electric line ” has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression “ the Company ” includes their lessees and any person owning working or running carriages on any of the tramways or tramroads or light railways of the Company.

Special provisions as to use of electrical power.

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

- (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 the 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 injuriously



interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus : A.D. 1903.

- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Company shall be deemed to take all reasonable precautions against interference with the working of any such 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 :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Company and any other party with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

A.D. 1903.

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

Fares for passengers.

**61.** The Company may demand and take for every passenger travelling upon the tramways and tramroads or any part thereof including every expense incidental to such conveyance any fares not exceeding those authorised to be taken by section 68 of the Order of 1899 upon the light railways authorised by that Order.

Passengers' luggage.

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

As to use of tramways and tramroads and rates for goods &c.

**63.** The tramways and tramroads may be used for the carriage of passengers animals goods minerals and parcels but the Company shall not be bound unless they think fit to carry passengers' luggage exceeding the weight in this Act in that behalf mentioned nor any animals goods minerals or parcels and in the event of the Company carrying any such animals goods minerals or parcels they may demand and take in respect of such conveyance including every expense incidental to such conveyance (except a reasonable sum for loading and unloading and for delivery and collection of such animals goods minerals and parcels and any other service incidental to the business of a carrier when such service is performed by the Company). any rates or charges not exceeding the rates and charges specified in the schedule to the Order of 1899 subject to the regulations in that behalf therein contained.

For purposes of fares &c. tramways and tramroads to be part of undertaking authorised by Order of 1899.

**64.** For the purpose of calculating the fares rates and charges which the Company are entitled to demand and take the tramways and tramroads shall be deemed to be part of the undertaking authorised by the Order of 1899.

Payment of rates.

**65.** The fares rates and charges shall be paid to such persons and at such places upon or near to the tramways and tramroads by this Act authorised or the light railways authorised by the Order of 1899 and in such manner and under such regulations as the Company may by byelaws made under section 46 of the Tramways Act 1870 appoint and in addition to the regulations for the purposes mentioned in that section the Company may in accordance

with the provisions of that section and of section 47 of that Act make regulations for regulating the loading and unloading receipt and delivery of animals goods minerals and other things the weights which any trucks or carriages may carry and generally for the user working and management of the said tramways and tramroads and the provisions of the said Act of 1870 with respect to regulations and the enforcement thereof shall extend and apply to such regulations. A.D. 1903.

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

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

(3) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

(4) The liability of the Company under any claim to compensation for injury or otherwise in respect of each passenger travelling by such carriages shall be limited to a sum not exceeding one hundred pounds.

**67.** It shall not be lawful for the Company to take or demand on Sunday or on any public holiday any higher fares for passengers travelling on the tramways and tramroads than those levied by them on ordinary week days. Prohibiting the raising of fares on Sundays and holidays.

**68.** The restrictions contained in section 68 of the Order of 1899 as to charges to be made for passengers shall not extend to any special carriages run upon the Company's tramways tramroads and light railways or to any special service of carriages on Restrictions not to apply to special carriages.

A.D. 1903. — extraordinary occasions in respect of which the Company may make such charges as they shall think fit but shall apply only to the ordinary carriages or service of carriages appointed from time to time by the Company for the conveyance of passengers on their tramways tramroads and light railways.

Periodical revision of rates and charges.

**69.** If at any time after three years from the opening for public traffic of the tramways and tramroads or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways and tramroads or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways and tramroads or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways and tramroads or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways and tramroads or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

As to purchase of undertaking.

**70.** Section 43 of the Tramways Act 1870 shall in its application to the undertaking and to the Company in relation thereto be modified as follows (that is to say) :—

- (1) The Company shall not be required to sell any part of the undertaking unless each of the local authorities in whose districts the tramways and tramroads are situate shall pass a resolution as provided by the said section and shall have given notice to the Company under that section to purchase the part of the undertaking situate within the district under their jurisdiction :
- (2) The period of forty-two years shall be substituted for the period of twenty-one years mentioned in the said section 43 of the Tramways Act 1870 :

- (3) The terms upon which the Company may be required to sell the undertaking or any part thereof shall be the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase : A.D. 1903.  
—
- (4) On any sale to any local authority such arrangements as may be approved by the Board of Trade shall be made for vesting in each local authority the portion of the undertaking situate within their district and for a scheme or schemes for the future maintenance management and working of the tramways and tramroads and such other tramways tramroads and light railways as may at the time of purchase be worked in connexion with the undertaking and the sale shall not take effect until an instrument has been properly executed in a form approved by the Board of Trade for carrying into effect such arrangements :
- (5) In this section the expression “ the Company ” shall in the event of Tramway No. 4 and the portion of Tramroad No. 5 between its commencement and the south side of the “ Running Horse ” herein-before referred to being constructed or purchased by the mayor aldermen and burgesses of the borough of Maidstone be deemed to include that corporation in relation to such tramway and portion of tramroad :

And for the purposes of the said section 43 of the Tramways Act 1870 the tramroads whether laid in public roads or not shall be deemed to be tramways within the meaning of that Act.

**71.** The Company on the one hand and any local authority or company authorised by Act of Parliament or Provisional Order to supply electricity in whose area of supply any portion of the tramways or tramroads by this Act authorised or of any tramways tramroads or light railways of or leased to or worked or run over or used by the Company is are or will be situate 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) :—

Agreements  
with local  
authorities  
as to supply  
of electrical  
power.

- (1) The supply to the Company by any such local authority or company of electrical energy for working any of such tramways tramroads or light railways which may for the time being be worked by the Company by electrical power under the provisions of this Act or otherwise whether such tramways tramroads or light railways are or are not partly

A.D. 1903.

situate beyond the area of supply of such authority or company :

- (2) The supply to any such local authority or company by the Company of electrical power for any purpose for which such authority or company are for the time being authorised to supply the same Any supply of electrical power by the Company under this provision shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General which are contained in the schedule to the Electric Lighting (Clauses) Act 1899 :
- (3) The payments to be made or other consideration to be given in respect to any such supply of energy.

Agreements  
as to leasing  
&c.

**72.**—(1) The Company on the one hand and the mayor aldermen and citizens of the city of Rochester and any other local authority company or person owning or working any tramway tramroad or light railway with which any tramway tramroad or light railway of or leased to or worked run over or used by the Company connects or any of them on the other hand may enter into and carry into effect agreements for all or any of the following matters and all matters incidental thereto (that is to say):—

- (i) The lease to the Company for any period not exceeding forty-two years of any tramways tramroads or light railways of any such body authority company or person ;
- (ii) The working running over use management and maintenance by the contracting parties of all or any of their respective tramways tramroads light railways and works or any part or parts thereof respectively ;
- (iii) The making of all necessary junctions ;
- (iv) The supply by any of the contracting parties to the other or others of them under and during the continuance of any such agreement of rolling-stock plant machinery electrical energy or any motive power necessary for the purposes of such agreement and the employment and appointment and removal of officers and servants ;
- (v) The payments to be made and conditions to be performed in respect of such working use management and maintenance and the interchange accommodation and conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties ;

(vi) The payment collection division and apportionment of the tolls rates or other receipts arising from the respective undertakings: A.D. 1903.

And in accordance with the terms of any such agreement and to the extent provided thereby the Company or any such local authority company or person as the case may be may lease work run over use manage and maintain the tramway tramroad or light railway or works agreed to be leased worked run over used managed or maintained by them and shall have and may exercise in relation thereto all such and the like powers rights authorities and privileges as are for the time being vested in or exerciseable by the owner or lessor thereof.

(2) The Company may exercise in relation to any tramways tramroads or light railways leased to worked run over or used by the Company in accordance with the terms of and to the extent provided for by any such agreement all or any powers conferred upon them in relation to the tramways and tramroads by this Act authorised by the sections of this Act the marginal notes whereof are "As to electrical works &c." "Power to attach brackets &c. to buildings" "Power to make additional crossovers and to double tramway and tramroad lines" and "Company may reduce footpath" and the provisions of those sections shall (subject as aforesaid) extend and apply to and in the case of the said tramways tramroads and light railways as if the same had been enacted in this Act with reference thereto.

(3) Nothing in any such agreement shall prejudice or affect the right of any local authority not being a party to such agreement to purchase any tramway thereby agreed to be leased worked run over used managed or maintained.

**73.** If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the tramways or tramroads by this Act authorised or the light railways authorised by the Order of 1899 or any tramway tramroad or light railway leased to worked run over or used by the Company under the powers of this Act anything which is calculated to obstruct or interfere with the working of such tramway tramroad or light railway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways

Penalty for  
malicious  
damage.

[Ch. clxxx.] *Chatham and District Light Railways* [3 EDW. 7.]  
*Company Act, 1903.*

A.D. 1903. Act 1870 with respect to any such tramway shall be liable to a penalty not exceeding twenty pounds.

Consents of local or road authority. **74.** Where the consent of any local or road authority is by this Act or any Act incorporated therewith required before the exercise of any powers by the Company such consent shall not be unreasonably withheld and if any difference arises as to whether any consent is unreasonably withheld that difference shall be referred to an arbitrator to be appointed by the Board of Trade.

Power to lop trees. **75.** The Company may cut and lop any trees planted in or near any highway along which the Company's tramways or the tramroads or any of them are laid which may in any way interfere with the construction or working of such tramways or tramroads or the trolley wires or with the clear and safe passage of the carriages and the passengers thereon doing no unnecessary damage to the trees and making compensation to any persons who may sustain damage by the exercise of the powers conferred by this section.

Abandonment of part of existing light railway. **76.** The Company may abandon and discontinue the use of the existing light railway of the Company constructed under the powers of the Order of 1899 in High Street and Westcourt Street Old Brompton between the junction of Middle Street with High Street and the western end of Westcourt Street and may take up and remove and dispose of in such manner and on and subject to such terms and conditions as they may think proper the rails sleepers and substructure thereof and restore and reinstate the road in which the said light railway is laid and all obligations in reference to the maintenance of the said light railway or the roads in which the same is laid or the working or user of the said light railway shall thereupon cease.

Power to apply existing funds. **77.** The Company may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or may hereafter raise under the Order of 1899 and which may not be required for the purposes of that Order.

Power to raise additional capital. **78.** The Company may subject to the provisions of Part II. of the Companies' Clauses Act 1863 raise any additional capital not exceeding in the whole one hundred and fifty-three thousand pounds by the creation and issue at their option of ordinary shares or stock or preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor



shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof Any such preference shares or stock may be issued with such rights as between such preference shares or stock and any ordinary shares or stock of the Company to priority in distribution of assets as may be fixed by the meeting of the Company at which it shall be determined to issue any portion of such additional capital as preference capital Provided always that the terms and conditions on which such preference shares or stock are or is issued shall be stated on the certificates thereof.

A.D. 1903.

**79.** The capital in new shares or stock so created shall form part of the capital of the Company and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

As to new shares or stock.

**80.** If any money be payable to any holder of shares or stock in the capital of the Company or to any mortgagee of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate as the case may be shall be a sufficient discharge to the Company.

Receipts on behalf of incapacitated persons.

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

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

**82.** The Company may borrow on mortgage of the undertaking of the Company any sum or sums not exceeding in the whole fifty-one thousand pounds and of that sum they may borrow seventeen thousand pounds in respect of each fifty-one thousand pounds of their capital of one hundred and fifty-three thousand pounds Provided that no part of any such sum of money shall be borrowed by the Company under the powers of this Act unless and until shares for so much of the portion of capital by this Act authorised in respect of which it is to be borrowed as is to be raised by means of shares 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

Power to borrow.

[Ch. clxxx.] *Chatham and District Light Railways* [3 Edw. 7.]  
*Company Act, 1903.*

A.D. 1903. **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 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 until stock for one-half of so much of the said portion of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid (before he so certifies) that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ 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 so far as such portion of additional capital is raised by shares that such persons or corporations 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 shall be sufficient evidence thereof.

Repealing existing provisions as to receiver.

**83.** The provisions of section 81 of the Order of 1899 for appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending.

For appointment of a receiver.

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

Company not to create debenture stock.

**85.** The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

**86.** Every mortgage granted under this Act shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to a local authority under section 43 of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by local authority.

**87.** Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the undertaking in the event of purchase by a local

authority under the forty-third section of the Tramways Act 1870 or the Order of 1899. A.D. 1903.

**88.** Every mortgage granted by the Company before the passing of this Act in pursuance of the powers of the Order of 1899 and which shall be subsisting at the time of the passing of this Act shall (unless otherwise provided by such mortgage) during the continuance thereof have priority over any mortgages to be granted by virtue of this Act and subject as aforesaid all moneys borrowed on mortgage by the Company under the powers of the Order of 1899 or this Act shall rank *pari passu* as regards both principal and interest and 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. Priority of mortgages.

**89.** All moneys raised under this Act whether by shares stock or borrowing shall be applied for the purposes only of this Act and other the general purposes of the Company being in all cases purposes to which capital is properly applicable. Application of moneys.

**90.** Nothing in this Act contained shall prejudice or affect any rights of the Kent Electric Power Company under the agreement dated the twentieth day of May one thousand nine hundred and three and made between the Company of the one part and the Kent Electric Power Company of the other part. For protection of Kent Electric Power Company.

**91.** Save as expressly provided nothing in this Act affects prejudicially any right power privilege or exemption of the Crown. Saving rights of Crown.

**92.** Notwithstanding anything in this Act or any Act or Acts incorporated herewith contained it shall be lawful for the Company to pay out of any money by this Act authorised to be raised interest at such rate not exceeding three pounds per centum per annum as the directors of the Company may determine to any holder of any shares or stock in the additional capital of the Company on the amount from time to time paid up on such shares or stock held by him from the respective times of such payments until the expiration of the period of three years from the passing of this Act or such less period as the said directors may determine but subject always to the conditions herein-after stated (that is to say) :—

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two-thirds at least of the share capital

A.D. 1903.

authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders or stockholders who or whose executors administrators or assigns are legally liable for the same :

- (B) No such interest shall accrue in favour of any shareholder or stockholder for any time during which any call on any of his shares or stock is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed eight 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 or stock and on every certificate of such shares or stock which may be issued by or on behalf of the Company prior to the expiration of the period for which the directors of the Company may have determined that such interest shall be paid :
- (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 herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act or by the Order of 1899 authorised to raise to any shareholder or stockholder on the amount of the calls made in respect of the shares or stock 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.

**93.** 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 tramway or to execute any other work or undertaking.

[3 EDW. 7.] *Chatham and District Light Railways* [Ch. clxxx.]  
*Company Act, 1903.*

**94.** Nothing in this Act contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act. A.D. 1903.  
—  
Provision  
as to general  
Tramway  
Acts.

**95.** 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.

[Ch. clxxx.] *Chatham and District Light Railways* [3 EDW. 7.]  
*Company Act, 1903.*

A.D. 1903.

**SCHEDULE** referred to in the foregoing Act.

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