

**CHAPTER cxcv.**

An Act to authorise the Portsmouth Street Tramways Company to construct new tramways in the urban districts of Gosport and Alverstoke and of Fareham in the county of Southampton to work such new tramways and to adapt the existing tramways of that Company in the urban district of Gosport and Alverstoke for working by electrical or other mechanical power and for other purposes. A.D. 1903.

[11th August 1903.]

WHEREAS the Portsmouth Street Tramways Company (in this Act called "the Company") were incorporated by the Portsmouth Street Tramways Act 1870 and by that Act and the Portsmouth Street Tramways Extensions Order 1874 and the Portsmouth &c. Tramways Act 1879 were authorised to construct tramways in the borough of Portsmouth and such tramways are now the property of the mayor aldermen and burgesses of that borough :

And whereas by the Portsmouth Street Tramways (Amalgamation) Act 1883 the undertaking of the Gosport Street Tramways Company under the Gosport Street Tramways Acts 1879 and 1881 and the undertaking of the General Tramways Company of Portsmouth Limited under the Landport and Southsea Tramway Act 1863 the Landport Southsea and Portsea Street Tramways Order 1876 and the Portsea Street Tramways Order 1877 were amalgamated with the undertaking of the Company :

And whereas by such amalgamation the Company are now the owners of tramways in the urban district of Gosport and Alverstoke and such tramways are at present worked by animal power :

And whereas the provision of a continuous line of tramways between Gosport and Fareham worked by electrical or other mechanical power will be of public and local advantage :

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And whereas the Company are willing at their own expense to construct the tramways and works hereinafter described and to adapt for working by means of electrical or other mechanical power their said existing tramways and it is expedient that powers should be conferred upon them for that purpose :

And whereas it is expedient that the Company should be authorised to acquire the lands hereinafter described :

And whereas it is expedient that the provisions of the Tramways Act 1870 in relation to the purchase of the tramways by the local authority should in relation to the proposed tramways and the existing tramways of the Company be modified as hereinafter provided :

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and that the other powers in this Act contained should be conferred upon them :

And whereas plans and sections and supplemental plans and sections showing the lines and levels of the tramways and works by this Act authorised and also a book of reference and a supplemental book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Southampton and are hereinafter respectively referred to as the deposited plans sections and book of reference and the supplemental plans sections and book of reference :

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

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

Short title.

1. This Act may be cited as the Gosport and Fareham Tramways Act 1903.

Incorporation of general Acts.

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

The Lands Clauses Acts :

Section 3 (Interpretation of terms) and Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 :

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

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

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863.

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 And in this Act—

Interpreta-
tion.

- The expression “ the tramways ” means the tramways by this Act authorised ;
- The expression “ the undertaking ” means the undertaking of the Company ;
- The expression “ the existing tramways ” means the tramways owned by the Company at the time of the passing of this Act ;
- The expression “ the Act of 1879 ” means the Gosport Street Tramways Act 1879 ;
- The expression “ the Act of 1881 ” means the Gosport Street Tramways Act 1881 ;
- The expression “ mechanical power ” includes steam electrical and every other motive power not being animal power ;
- The word “ engine ” includes motor ;
- The word “ contingencies ” in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the

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Company be construed to include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company.

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

4. 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 and supplemental plans or specified in the deposited and supplemental books of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Southampton 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 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 Southampton and a duplicate thereof shall also be deposited with the 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 clerk of the peace and clerks of the councils respectively with the other documents to which the same relate and thereupon the deposited and supplemental plans and the deposited and supplemental books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Power to make tramways &c.

5. Subject to the provisions of this Act the Company may construct lay down work maintain and use the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and the supplemental plans and sections and in all respects in accordance with those plans and sections with all proper rails plates chairs sleepers sewers drains stables posts tubes wires cables engines engine-houses carriage-houses sheds waiting-rooms weigh-bridges weighing machines buildings works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited and supplemental plans and described in the deposited and supplemental books of reference as may be required for that purpose Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions

of section 15 of the former Act apply except in accordance with and subject to the provisions of that section. A.D. 1903.

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

Tramway No. 2 (2 miles 7·30 chains or thereabouts in length of which 3 furlongs 9 chains or thereabouts will be double line and 1 mile 4 furlongs 8·30 chains or thereabouts will be single line) wholly in the parish of Alverstoke in the urban district of Gosport and Alverstoke commencing in Brockhurst Road by a junction with the existing tramway at or near the junction of Elson Road with Brockhurst Road and terminating in Gosport Road by a junction with Tramway No. 3 at or about the boundary of the parishes of Alverstoke and Fareham :

Tramway No. 2A (1 mile 1 furlong 7·70 chains or thereabouts in length of which 4 furlongs 4 chains or thereabouts will be double line and 5 furlongs 3·70 chains or thereabouts will be single line) wholly in the parish of Alverstoke in the urban district of Gosport and Alverstoke commencing in High Street by a junction with the existing tramway at the junction of Clarence Road South with High Street and terminating notwithstanding anything shown on the supplemental plans at the point at the junction of Green Lane with Anglesey Road marked on the said plans as indicating the distance of 1 mile 1 furlong and 7·70 chains from its commencement Provided that Tramway No. 2A shall if required by the London and South Western Railway Company be constructed as a single or interlacing line for a distance of one hundred yards north of the entrance to the Gosport Road Station of that company :

Tramway No. 3 (1 mile 5 furlongs or thereabouts in length of which 3 furlongs 1·90 chains or thereabouts will be double line and 1 mile 1 furlong 8·10 chains or thereabouts will be single line) wholly in the parish and urban district of Fareham commencing in Gosport Road by a junction with Tramway No. 2 at its termination and terminating in West Street at the junction of Grove Road with West Street or if required by the London and South Western Railway Company one chain east of that junction and in connection with Tramway No. 3 the Company may set back the footpath at the west side of Portland Street at its junction with West

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Street as shown on the deposited plans for the purpose of improving the working of the tramway :

Tramway No. 4 (3 furlongs 7 chains or thereabouts in length of which 2 furlongs 7·40 chains or thereabouts will be double line and 9·60 chains or thereabouts will be single line) wholly in the parish and urban district of Fareham commencing in West Street by a junction with Tramway No. 3 at or about the junction of Portland Street with West Street and terminating notwithstanding anything shown on the deposited plans at or about the junction of Bridgefoot Hill with the Esplanade.

Period for completion of tramways.

6. If the Tramways Nos. 2 and 2A are not completed within two years and the Tramway No. 3 within three years and the Tramway No. 4 within five years from the passing of this Act then on the expiration of those respective periods the powers by this Act granted for making or completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

For protection of urban district council of Gosport and Alverstoke.

7. For the protection and benefit of the urban district council of Gosport and Alverstoke (in this section called "the council") the following provisions shall unless otherwise agreed between the council and the Company apply and have effect (that is to say) :—

- (1) In this section "the urban district" means the urban district of Gosport and Alverstoke and "the tramways" means the Company's existing tramways and the tramways authorised by this Act so far as the same are or will be situate in the urban district :
- (2) The Company shall within twelve months after the passing of this Act reconstruct the existing tramways and shall within two years after the passing of this Act construct Tramways No. 2 and No. 2A on a gauge of four feet seven and three-quarters inches with all proper steel girder rails and the provision construction and laying down of the copper bonding thereof and the necessary standards trolley wires feeder cables and other appliances required for working the tramways by the overhead trolley system of electric traction All such works shall be carried out by the Company in accordance with plans sections and drawings to be previously submitted to and approved by the council :
- (3) The existing tramways shall be reconstructed and the tramways authorised by this Act shall be constructed where they are upon the public road with a row of setts on either

side of the rails and macadam between. Provided that if at any time after the reconstruction of the existing tramways or the construction of the tramways authorised by this Act the council shall desire to pave any of the streets or roads in which the tramways may exist with wood asphalt or other material the whole of such paving for the full width of such street or road shall be carried out by the council at its own expense and in as far as concerns the portion of the said streets or roads between the rails and for eighteen inches on each side thereof to the reasonable satisfaction of the Company and the Company shall repair and maintain such streets and roads so paved to the extent and in the manner provided by section 28 of the Tramways Act 1870 :

It shall be lawful for the council to call upon the Company to pave between the rails in High Street and all narrow places elsewhere with granite setts :

- (4) In the application of section 43 of the Tramways Act 1870 to the tramways the period of forty-two years from the passing of this Act shall be substituted for the period of twenty-one years in that section mentioned and except as otherwise provided in subsection (6) of this section the council shall not be entitled to acquire the tramways before the expiry of the said period of forty-two years :
- (5) For and during the period of forty-two years from the passing of this Act the Company shall pay to the council by equal half-yearly payments on the first day of January and the first day of July in each year the sum of ten pounds for the first year and the sum of twenty pounds for the second year and so on increasing by increments of ten pounds in each year. Provided that if the council shall exercise the power of purchase conferred on them by subsection (6) of this section such payments shall cease and determine on and as from the date on which the completion of such purchase shall take effect and the amounts payable shall if necessary be apportioned up to that date :
- (6) If at any time after the expiration of twenty-one years from the passing of this Act the council shall desire to purchase the whole undertaking of the Company as then existing within the urban district as then existing and shall give the Company twelve months' notice in writing to that effect the Company shall sell and the council shall purchase as a going concern the whole undertaking of the Company

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as aforesaid (anything hereinbefore contained to the contrary notwithstanding) for such consideration being a sum in gross and on such terms and conditions as shall be agreed between the council and the Company or as failing such agreement shall be determined by arbitration :

- (7) After the conversion to electric traction of the existing tramways and the construction and equipment for electric traction of the tramways by this Act authorised the tramways shall subject to the provisions contained in the section of this Act the marginal note whereof is "Provisions as to motive power" be worked by electric power and not otherwise without the consent of the council :
- (8) The Company shall not without the consent of the council increase the fares rates and charges in force at the first day of June one thousand nine hundred and three in respect of the existing tramways within the urban district :
- (9) If any question arises between the Company and the council under this section that question shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

For protec-
tion of Fare-
ham Urban
District
Council.

8. The following provisions shall have effect for the protection of the Fareham Urban District Council (in this section called "the council") unless otherwise agreed in writing between the council and the Company :

- (1) The Company shall complete and open for traffic Tramways No. 2 and No. 3 within three years after the passing of this Act and if within the period so limited such tramways have not been completed and opened for traffic the Company shall pay to the council the sum of five pounds for every day until such tramways have been opened for traffic or until the sums received in respect of such payments amount to one thousand pounds and such sums shall be recoverable by the council as a civil debt :
- (2) The Company shall lay the plan and statement directed by the section of this Act whereof the marginal note is "Plan of proposed mode of construction" so far as the same relate to tramways to be constructed on roads within the district of the council before the council at the same time as before the Board of Trade and such plan and statement shall be subject to the reasonable approval of the council :
- (3) The section of this Act whereof the marginal note is "For protection of road authorities" shall apply to the

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as aforesaid (anything hereinbefore contained to the contrary notwithstanding) for such consideration being a sum in gross and on such terms and conditions as shall be agreed between the council and the Company or as failing such agreement shall be determined by arbitration :

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- (3) The section of this Act whereof the marginal note is "For protection of road authorities" shall apply to the

tramways to be constructed on roads vested in the council as if the council were therein mentioned in lieu of the county council :

- (4) Where on any road within the district of the council the tramways are to be constructed otherwise than on the road-side waste they shall be laid along the centre of the road and the Company shall provide a clear metalled space on either side of the tramways of a width of eleven feet at the least clear of the rail **except** that where a passing-place occurs the Company shall not be bound to provide a greater total width of metalled roadway than twenty-seven feet. Provided that the tramways may be laid along the unmetalled or waste land at the side of any such road where the metalled portion of the road clear of the carriages and engines to be used on the tramways will be twenty feet or upwards in width :
- (5) The portion of the roadway repairable by the Company in Portland Street and West Street from railway station to Fareham House shall be laid or repaired with hardwood blocks :
- (6) The Company shall if they interfere with any stone depôt belonging to the council provide a substituted depôt to the satisfaction of the council where the site can be obtained by the Company :
- (7) The Company shall not construct their generating station within four hundred yards of the sewage outfall of the council :
- (8) The Company shall pay to the council the cost of constructing any additional manholes necessary or convenient for the purpose of giving access to the sewers or to the electrical mains of the council over which any tramways are to be laid :
- (9) If the Company erect any post in the carriage-way of any road within the council's district they shall keep the same properly lighted during those hours of the night when no public lamps are alight :
- (10) The Company shall widen Hoc Ford Hill where it passes Fleetlands Lodge so as to give a width of twenty-seven feet between the fences unless the lands necessary for the purpose of the widening cannot be obtained without unreasonable expense :

maintain county bridges as well as in relation to their power to maintain roads) :— A.D. 1903.

- (1) The tramways shall be laid along the centre of the road and the Company shall provide a clear metalled space on each side of the tramways of a width of eleven feet at the least clear of the rail except that where a passing-place occurs the Company shall not be required to provide a greater total width of metalled roadway than twenty-seven feet Provided that the tramways may be laid along the unmetalled or waste land at the side of any road where the metalled portion of the road clear of the carriages and engines to be used on the tramways will be twenty feet or upwards in width :
- (2) No pole standard or bracket shall be erected within a distance of twelve feet clear of the rail of the tramways except where such pole standard or bracket is erected in the centre of the road and except where the tramways are laid at the side of the road in which latter case every such pole standard or bracket shall be erected on the side of the tramways furthest from the centre of the road :
- (3) The tramways shall be so constructed as to avoid unreasonable interference with the surface drainage of the road and the same shall be left as efficient as at present :
- (4) The tramways shall be laid at such level as the road authority shall approve and the Company shall leave the road surface with a fall of half an inch in a foot from the rails to the outside edge of the metalled surface of the road and shall to the satisfaction of the road authority make such alterations in the road surface as may be necessary for the purpose :
- (5) The portion of the road to be maintained by the Company shall be paved with granite setts or with wood blocks :
- (6) Where a passing-place is laid in the metalled portion of the road the Company shall at their own expense pave and maintain the whole width of the road so far as the passing-place extends :
- (7) In the application to the tramways of the provisions of section 27 of the Tramways Act 1870 such section shall be read as if at the end of the paragraph therein numbered 3 the words "or by concentration of traffic on any part thereof owing to and during the construction of the tramways" were added :

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- (8) The Company shall so construct maintain and use the tramways over any bridge or culvert belonging to the road authority as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge or culvert by the construction maintenance or user of the tramways the Company shall make good at their own expense and restore the same to the reasonable satisfaction of the surveyor of the road authority :
- (9) The Company shall give seven days' notice in writing to the road authority of their intention to commence any works which affect or interfere with the structural works of any bridge or culvert and shall at the same time send sufficient specifications or other information to show the nature of such works and such works shall be constructed under the superintendence and to the reasonable satisfaction of the road authority :
- (10) If any such bridge or culvert as aforesaid upon or along which the tramways are laid be altered widened or rebuilt by the road authority the road authority may require the Company to alter the tramways in such manner as the circumstances of the case may reasonably require :
- (11) If by reason of the additional traffic carried on the tramways or of the character of the motive power used by the Company or of the weight of the carriages engines or other rolling stock of the Company any bridge or culvert though otherwise of sufficient strength and having been kept in proper repair is or is in danger of becoming too weak for the traffic upon it and it is therefore reasonably necessary to strengthen or restore or entirely rebuild the same then and in every such case the Company shall so strengthen or restore or entirely rebuild such bridge or culvert as may be reasonably necessary :
- (12) Any works to be executed by the Company pursuant to this section shall if the road authority so desire be executed by the road authority at the expense of the Company and in that case the road authority shall within seven days of receiving notice from the Company as aforesaid give notice of their intention so to execute such work and shall commence execute and complete the same with all reasonable despatch :
- (13) If any question arises between the Company and the road authority under this section that question shall be referred

to the arbitration of a person to be agreed upon between the Company and the road authority or failing agreement to be nominated by the Board of Trade. A.D. 1903.

10. For the protection of the London and South Western Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed apply and have effect (that is to say):— For protection of London and South Western Railway Company.

- (1) Before constructing any works by this Act authorised passing over or under the railways of the railway company or within ten yards thereof (hereinafter referred to as "the said works") the Company shall deliver to the railway company for approval by their engineer plans drawings and specifications (in this section referred to as "the said plans") showing the manner in which the works are intended to be carried out and the materials to be used and in the event of his failing to approve the said plans for one month after the delivery thereof the same shall be referred to arbitration as hereinafter provided and the said works shall be executed in accordance with the said plans and subsequently maintained by the Company at their sole expense and under the superintendence and to the satisfaction of the engineer of the railway company :
- (2) The Company shall bear and on demand pay to the railway company all reasonable costs of the superintendence by them of the construction of the said works and repairs thereof and all reasonable costs of watching lighting and protection of the railways of the railway company with reference to and during such construction and repairs but such superintendence by the railway company shall not relieve the Company from liability for any accident which may be occasioned by or through the operations of the Company or their contractors agents or workmen :
- (3) The Company shall indemnify the railway company against all claims and compensate them for any damage or injury occasioned to the railways property or works of the railway company or to any persons using their railways in consequence of or arising from the construction of the said works and the appointment by the railway company of any inspector or the superintendence of the said works by the railway company shall not relieve the Company from any liability in connection therewith :

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- (4) Any additional expense of the maintenance of the structure of any of the bridges belonging to the railway company arising from the construction of the said works and the costs of any reconstruction strengthening underpinning or other works rendered necessary to secure the safety and stability of such bridges shall be borne and paid by the Company :
- (5) If by reason of the construction of the tramways any extra cost shall be reasonably occasioned to the railway company in widening or altering their existing railways or works on lands now belonging to them or in altering their telegraphic or telephonic wires such extra cost shall be borne and paid by the Company :
- (6) The railway company shall be at liberty to divert or stop (but only for so long as may be absolutely necessary for the purposes in this subsection mentioned) any of the tramways passing over or under the railways of the railway company if required for the purpose of executing repairs alterations extensions or widenings of any of the bridges carrying the railways of the railway company over such tramways or the tramways over the said railways and the railway company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such diversion or stoppage :
- (7) The Company shall not in working the tramways obstruct or interfere with the free ingress and egress of persons vehicles or goods at the entrance to or exit from the station yard of the railway company at Gosport Road Station and carriages used on such tramways shall not pull up opposite to or within thirty feet of either side of a point on such tramway opposite such entrance or exit :
- (8) In the event of any of the tramways being worked by electricity on the overhead system the Company may attach such wires and insulators as may be necessary to any bridge or other work of the railway company Provided that the method of attaching and the position of any such wire or insulator shall be subject to the approval of the engineer of the railway company :
- (9) If and when the railway company shall require to repair or paint any such bridge the Company shall in order to ensure the safety of the workmen employed in such repairing or painting cut off the electric current from the trolley wires under such bridge at such times as shall be reasonably

required by the said engineer of the railway company and as shall not unduly interfere with the traffic on the tramways unless the Company shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer: A.D. 1903.

- (10) Any difference which may arise between the railway company and the Company touching any of the matters referred to in this section shall be decided by a single arbitrator to be agreed by the parties or failing agreement to be appointed on the application of either party by the Board of Trade and the arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

11. The Company may with the consent of the local and road authority increase the roadway of any street or road in which any of the tramways are authorised 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 and either side of such street or road and the nearest rail of such tramway by reducing the width of the footpath on each or either side of such street or road Provided that no footpath be so reduced in width as to be less than five feet wide. Company may reduce footpath for constructing tramways.

12. Subject to the provisions of this Act the Company may during the execution of the tramways with the consent of the road authority expressed in writing by the clerk of such authority stop up temporarily the carriage-way or footway of any road or bridge as they think necessary and for that purpose may put up bars posts and other erections. Stopping of roads during execution of works.

13. If the Company fail within the period limited by this Act to complete the tramways and open the same for public traffic the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the tramways are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the uncompleted tramway or tramways And the said penalty may be applied for by any road authority landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that Penalty imposed unless tramways opened within time limited.

A.D. 1903. — section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening any tramway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalty.

14. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof in respect of the non-completion of which the same was recovered and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportion as to the High Court may seem fit And if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty 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 tramway or tramways in respect of which the penalty has been incurred or any part thereof have or 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 Company.

Restriction
on taking
houses of
labouring
class.

15. The Company shall not under the powers of this Act purchase or acquire ten or more houses in any borough or other urban district and elsewhere than in any borough or urban district

any parish which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. A.D. 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 it 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 of such persons who may be residing with them.

16. 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.

17. 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. Persons under disability may grant easements &c.

18. The Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the Schedule to this Act any lands and hereditaments not exceeding in the whole ten acres which the Company may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on Power to acquire additional lands by agreement.

A.D. 1903. — any such lands and no lands shall be used by the Company for the purpose of constructing any station for generating electrical energy except the lands described in the Schedule to this Act.

Lands for generating stations.

19. Subject to the provisions of this Act the Company may enter upon take and use the lands shown on the supplemental plans and described in the supplemental book of reference and in the First Part of the Schedule to this Act and may on such lands or any part thereof and also upon the lands described in the Second Part of the Schedule to this Act erect maintain and use stations for producing generating transforming transmitting and applying electrical energy with all necessary buildings engines dynamos batteries machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may generate transform transmit and apply such energy for the purpose of working the tramways thereby.

Gauge of tramways.

20. The tramways shall be constructed on a gauge of four feet seven and three-quarters inches or on such other gauge as the Board of Trade may approve.

Alteration of gauge of existing tramways.

21. The Company may with the approval of the Board of Trade and notwithstanding anything in section 48 of the Act of 1881 contained in adapting the existing tramways for working by mechanical power increase the gauge of such tramways to the gauge of four feet seven and three-quarters inches by this Act prescribed as the gauge of the tramways.

Overhang of carriages &c.

22. The width of the carriages and engines used on the existing tramways and on the tramways may notwithstanding anything in the Tramways Act 1870 or in any other Act or Order contained be but shall not exceed seven feet or such other width as may from time to time be prescribed by the Board of Trade.

Rails of tramways.

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

Inspection by Board of Trade.

24. The tramways 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.

Plan of proposed mode of construction.

25. 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 lay before the Board of Trade and the road authority a plan showing the proposed mode of

constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and the road authority 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 Provided that if any dispute shall arise between the Company and the road authority or the said surveyor in reference to the provisions of this section such dispute shall be determined by an arbitrator to be appointed by the Board of Trade.

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

Penalty for
not maintain-
ing rails and
roads.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

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

Tramways to
be kept on
level of sur-
face of road.

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Application of road materials excavated in construction of works.

28. Any paving metalling or material excavated by the Company in the construction of the tramways or in 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 forming the foundations for the tramways and the reinstatement of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway 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 additional cross-overs and to double tramway lines.

29.—(1) The Company may subject to the provisions of this Act with the consent of the Board of Trade and the road authority make maintain alter and remove such cross-overs passing-places sidings turnouts junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any generating stations or for forming junctions with other tramways or to any premises near any part of the tramways depôts warehouses stables or carriage-houses or works of the Company.

(2) Notwithstanding anything shown on the deposited and supplemental plans the Company may with the consent of the Board of Trade and the road authority lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time the road in which any tramway 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 part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

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—

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards 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 (except with the consent of the Board of Trade) 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.

30. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriage-way of which the tramways are laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramways or any part thereof the Company shall within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor discontinue or take up such tramways or parts of the tramways for such term as may be necessary for the execution of the said works. Provided that the Company may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct on the same or any adjacent road and with the consent of the road authority subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway in lieu of the part of the tramway so removed or discontinued.

Temporary tramways may be made when necessary.

If any difference arises between the Company and the road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway 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.

31. 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

Sanitary authority to have access to sewers.

A.D. 1903. the consent or concurrence of the Company and the provisions
--- contained in sections 32 and 33 of the Tramways Act 1870 shall be
applicable in the case of any sewer or private drain of or under
the control of the said authority as if the same were a pipe for
the supply of gas or water.

Power to
adapt and
equip tram-
ways for
working by
mechanical
power.

32.—(1) The Company may adapt the existing tramways
for working by mechanical power either in substitution for or in
addition to any other motive power now or hereafter in use on
such tramways.

(2) The Company may accordingly make all such alterations in
the existing tramways as may be necessary to adapt the same for
the purpose of working by mechanical power and the Company may
for the purpose of working the tramways and the existing tram-
ways by mechanical power subject to the provisions of this Act
and subject to the previous approval of the road authority erect
lay down and maintain on in under or over any street road or
bridge (including the footways thereof) footpath or public place in
which the said tramways are or will be situate or on which it may
be necessary or convenient so to do such posts conductors cables
wires tubes mains plates boxes and apparatus as may be necessary
or convenient either for the working of all or any of such tram-
ways or any portion thereof or for forming connections with any
generating station of the Company or of any local authority com-
pany or person who may under the powers of this Act supply
electrical energy to the Company or with any depôt or car shed or
for the purposes of any junction with any other tramway tramroad
wagonway or light railway and may subject to such approval as
aforesaid remove replace or alter the position of any lamp-post or
letter box and the powers and obligations of the Company under
this Act with respect to the opening or breaking up of any street
or road shall so far as they are applicable apply with respect to any
such footway footpath or public place.

(3) If any post or overhead conductor cable or wire becomes
owing to the construction of any new road or otherwise in the
opinion of the road authority an obstruction the Company shall
alter the position thereof in such manner as the road authority
direct but the Company may appeal against such direction to the
Board of Trade and the decision of the Board of Trade shall
be final.

As to posts
standards and
brackets.

33. Subject to the provisions of this Act and of any regula-
tions made under this Act by the Board of Trade the position and

design of all posts standards and brackets and their several attachments erected in the district of any road authority shall be such as the road authority and the Company may agree or as in case of difference between them may be determined by the Board of Trade.

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—

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

Provisions as
to motive
power.

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

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

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

(4) The Board of Trade if they are of opinion—

(A) That the Company or such other company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public; may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

35. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways or existing

Byelaws.

A.D. 1903. tramways upon which mechanical power may be used for all or
— any of the following purposes (that is to say):—

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

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

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

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

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

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

Attachment
of brackets to
buildings.

36. 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 mechanical power of the tramways or existing tramways. Provided that—

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

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

Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

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

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

37. 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.

Byelaws by local authority.

38. 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.

Alteration of telegraph lines of Postmaster-General.

39. In the event of any tramways of the Company being worked by electricity or of electrical energy being supplied by the Company for any purpose the following provisions shall have effect:--

For protection of Office telegraph lines.

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration:

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company

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of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

- (3) Before any electric line is laid down or any act or work for working the tramways by electricity or for the supply of electrical energy is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company 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 the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :
- (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 communica-

tion is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues : A.D. 1903.

- (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 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 of the Company.

40.—(1) Section 69 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall be read as if the words "or of the Secretary" For protec-
tion of War
Department.

A.D. 1903. of State for War ” were added after the words “ Postmaster-General ”
— at the end of paragraph (c) of subsection (1) of that section.

(2) Before laying Tramway No. 2A along the bridge over the moat the Company if so required shall at their own expense strengthen that bridge to the reasonable satisfaction of the Secretary of State for War and shall in adapting the existing tramways for working by mechanical power free and relieve the War Department of all expense in connection with the crossings of the railway of that department in Mumby Road.

(3) Subject to the consent of the road authority the Company shall if required by the Secretary of State for War when they adapt the existing tramways for working by mechanical power reconstruct the existing tramway in Mumby Road as a double line between the passing-place in Forton Road opposite the Railway Hotel and the junction of Mumby Road with Clarence Road.

(4) The Company shall not in working the tramways obstruct or interfere with the free ingress and egress of persons vehicles or goods at to or from the barracks by the barrack gates in Mumby Road.

Special provisions as to use of electrical power.

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

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties

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and the currents therein whether such lines do or do not use the earth as a return :

- (4) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Company and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (7) The expression " Company " in this section shall include licencees and any person owning working or running carriages over any tramways of the Company.

42. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts pipes wires tubes and other apparatus used or to be used by the Company for the purposes of electrical power were parts of the tramways or existing tramways.

Electrical power works to be subject to sections 26 to 33 and 41 of Tramways Act 1870.

43. The provisions of this Act regulating the use of mechanical power on the existing tramways shall extend and apply to such

Mechanical power on

A.D.1903. tramways in substitution for the provisions in relation thereto contained in the Act of 1881 and sections 35 36 37 39 40 and 41 of existing tramways. and the Schedule to that Act are hereby repealed.

Rates.

44. For the purposes of fares rates and charges the tramways shall be deemed to form part of the tramways authorised by the Act of 1879 and the Company may accordingly demand and take in respect of the tramways any fares rates and charges not exceeding the tolls and charges which they are by the Act of 1879 and the Act of 1881 authorised to take and the provisions of sections 44 45 47 48 and 50 of the Act of 1879 and of sections 44 45 and 46 of the Act of 1881 shall apply to the tramways authorised by this Act and to the Company with respect thereto and the rates and charges to be taken in respect thereof in like manner in every respect as if the tramways were part of the tramways referred to in the said sections.

Cheap fares for labouring classes.

45.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artificers mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five 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.

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

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

As to fares on Sundays or holidays.

46. The Company shall not take or demand on Sunday or any public holiday any higher fares or charges for passengers than those levied by them on ordinary week days.

Power to raise additional capital.

47. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue

of new shares any additional capital not exceeding in the whole A.D. 1903.
eighteen thousand pounds and such new shares may be wholly or
partially ordinary shares or wholly or partially preference shares as
the Company think fit but the Company shall not issue any share
of less nominal value than ten pounds nor shall any share vest in
the person accepting the same unless and until a sum not being
less than one-fifth of the amount of such share shall have been paid
in respect thereof.

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

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

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

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

52. The Company may in respect of the additional capital of Power to borrow.
eighteen thousand pounds which they are by this Act authorised to
raise borrow on mortgage of the undertaking in addition to the
sums which they are already authorised to borrow any sum or sums
not exceeding in the whole two thousand pounds in respect of each
six thousand pounds of such additional capital But no part of the
before-mentioned sums of two thousand pounds shall be borrowed
until shares for the portion of the capital in respect of which the
borrowing powers are to be exercised are issued and accepted and
one-half thereof is paid up and the Company have proved to the
justice who is to certify under the fortieth section of the Com-
panies Clauses Consolidation Act 1845 (before he so certifies) that
shares for the whole of such portion of capital have been issued and
accepted and that one-half of such portion has been paid up and
that not less than one-fifth part of the amount of each separate
share in such portion of capital has been paid on account thereof

A.D. 1903. — before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

53. Every provision in any Act passed before the passing of this Act whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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.

Moneys borrowed on mortgage to have priority.

54. All moneys after the passing of this Act to be borrowed on mortgage under any former Act relating to the Company or under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them after the passing of this Act.

Existing mortgages to have priority.

55. All mortgages granted by the Company under the authority of any Act or Acts passed before the passing of this Act shall during the continuance thereof have priority over all mortgages granted under the authority of this Act.

Company not to create debenture stock.

56. The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

57. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase-money which may be paid to the Company in the event of a sale to the local authority and may

comprise all or any moneys carried to the contingency fund according to the terms of the mortgage. A.D. 1903

58. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramways or the undertaking or any part thereof in the event of purchase by the local authority. Endorsement of notice of power of future purchase by local authority.

59. All moneys raised under this Act whether by shares or borrowing shall be applied only for the purposes of this Act and for the general purposes of the Company's undertaking being in every case purposes to which capital is properly applicable. Application of moneys raised under Act.

60. The Company may apply towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have power to raise and which may not be required for the purposes for which the same were authorised to be raised. Application of funds.

61. The Company on the one hand and any local authority in whose district or any company in whose limits for the supply of electricity any portion of the tramways 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 electric power.

(1) The supply to the Company by any such local authority or company of electrical energy for working any of such tramways 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 are or are not partly situate beyond the district of such authority or area of supply of such 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 :

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

62. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any tramways of the Company anything which is calculated to obstruct or interfere with the working of such tramway 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 Penalty for malicious damage.

A.D. 1903. — guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Company shall be liable to a penalty not exceeding twenty pounds.

Consents of local or road authority.

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

As to purchase of electrical plant.

64. In the event of any local authority determining in accordance with the provisions of the Tramways Act 1870 to purchase any tramways of the Company situate within their district which may for the time being be worked by electrical power they shall at the same time if so required by the Company purchase all engines carriages dynamos batteries accumulators mains wires cables posts plates and other apparatus works and appliances of the Company suitable to and used by them for the purposes of the tramways so purchased or of any other tramways within the district for the time being worked by the Company in connection with the tramways so purchased.

Provisions as to arbitration.

65. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 or of any rules made thereunder shall apply in every such arbitration.

Recovery of demands under fifty pounds.

66. 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.

Orders &c. of Board of Trade.

67. 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.

Recovery of penalties.

68. 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.

Crown rights.

69. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

70. Notwithstanding any provision in any Act or Provisional Order relating to any of the existing tramways the Conveyance of Mails Act 1893 shall extend and apply to all the tramways of the Company as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Company as the body or person owning or working such tramways.

A.D. 1903.
Conveyance
of Mails Act
1893 to apply
to tramways.

71. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any 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.

Interest not
to be paid
out of capital.

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

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

73. Nothing in this Act contained shall exempt the Company or the tramways 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.

Provision as
to general
Tramway
Acts.

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

Costs of Act.

A.D. 1903. The SCHEDULE referred to in the foregoing Act.

LANDS FOR GENERATING STATIONS.

PART I.

A plot of land in the urban district and parish of Fareham numbered 817 and 827 on the Ordnance sheet LXXV. 9 six-inch scale of the county of Hampshire (second edition 1898) containing five acres fifteen rods or thereabouts.

PART II.

Certain lands belonging to the Company in the urban district of Gosport and Alverstoke opening into and fronting on the north side of South Street immediately to the south of the India Arms Hotel High Street Gosport and presently used by the Company for car sheds and stables.

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