



## CHAPTER clxx.

An Act to authorise the Portsmouth Street Tramways A.D. 1905.

Company to construct additional tramways in the urban district of Gosport and Alverstoke and street works in that district and in the urban district of Fareham in the county of Southampton and for other purposes.

[4th August 1905.]

**W**HEREAS 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 by such amalgamation the Company became the owners of tramways in the urban district of Gosport and Alverstoke :

And whereas by the Gosport and Fareham Tramways Act 1903 (hereinafter called "the Act of 1903") the Company were authorised to construct and are constructing new tramways in the urban districts of Gosport and Alverstoke and of Fareham and to adapt their existing tramways for working by electrical or other mechanical power :

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And whereas it is expedient that the period limited for the completion of Tramway No. 2A authorised by and described in the Act of 1903 should be extended :

And whereas it is expedient that the Company should be authorised to construct the additional tramways and street works hereinafter described :

And whereas the tramways authorised by this Act are extensions of the tramway system of the Company and it is expedient that the provisions of the Act of 1903 with respect to the working and motive power of the authorised tramways of the Company should be extended to the tramways by this Act authorised :

And whereas it is expedient that the provisions of the Tramways Act 1870 in relation to the purchase of the tramways authorised by this Act should be modified as hereinafter provided :

And whereas the Lee-on-the-Solent (Light) Railway Company (hereinafter called "the railway company") were incorporated by the Lee-on-the-Solent (Light) Railway Certificate 1890 and thereby authorised to construct a railway in the county of Southampton and to work the same as a light railway and such railway has been constructed and is being worked by the railway company :

And whereas it is expedient that the Company and the railway company and any local authority company or person owning or working any tramways or light railways which can be worked with the tramways of the Company should be authorised to enter into and carry into effect agreements with respect to the working and use thereof by the contracting parties :

And whereas the provision and working of a service of omnibuses in connection with the undertaking of the Company as in this Act provided would be of public and local advantage and it is expedient that the Company be authorised to provide and work such a service accordingly :

And whereas it is expedient that the other powers in this Act contained should be conferred on the Company :

And whereas plans and sections showing the lines and levels of the tramways and street works by this Act authorised and also a book of reference to those plans 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: A.D. 1905.

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 (that is to say):—

**1.** This Act may be cited as the Gosport and Fareham Tramways Act 1905. Short title.

**2.** The following Acts and parts of Acts so far as they are applicable to and are not varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act (that is to say):— Incorporation of general Acts.

The Lands Clauses Acts;

Sections 6 8 to 16 18 to 24 30 to 44 77 to 92 and 96 to 106 so far as the same are not repealed of the Railways Clauses Consolidation Act 1845; and

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

Provided that the provisions of the Railways Clauses Consolidation Act 1845 herewith incorporated shall apply only to so much of Tramway No. 2 by this Act authorised as is not to be laid along the carriageway of any road and for the purposes thereof such portion of tramway shall be deemed to be a railway and the Company shall be deemed to be a railway company Provided further that the provisions of Part II. and section 43 (Future purchase of undertaking by local authority) of the Tramways Act 1870 herewith incorporated shall not apply to the said portion of tramway.

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

A.D. 1905. construction And in this Act unless the context otherwise requires—

“The tramways” and “the street works” mean respectively the tramways and the street works by this Act authorised;

“The undertaking” means the undertaking of the Company;

“Mechanical power” includes electrical and every other motive power not being steam or animal power;

“Engine” includes motor;

“Contingencies” in section 122 of the Companies Clauses Consolidation Act 1845 include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act 1870 as modified by the Act of 1903 and this Act at a sum less than the aggregate amount of the capital and debts of the Company.

Power to  
make tram-  
ways.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all necessary and proper rails plates foundations sleepers tubes pulley pits underground chambers shafts manholes embankments cuttings bridges drains stations platforms gates junctions turntables turnouts crossings cross-overs passing-places pillars posts poles brackets cables chains wires engines dynamos approaches sidings waiting rooms stables engine houses carriage houses depôts buildings sub-stations apparatus machinery appliances works and conveniences connected therewith and equip the same with the necessary plant and rolling stock and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes 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.

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

Tramway No. 1 A tramway (6 furlongs 6·80 chains or thereabouts in length of which 2 furlongs 5·70 chains or

thereabouts will be double line and 4 furlongs 1 chain or thereabouts will be single line) wholly in the parish of Alverstoke and the urban district of Gosport and Alverstoke commencing notwithstanding anything shown on the deposited plans in Bury Road at a point 30 yards or thereabouts measured in a westerly direction from the junction of Gordon Road with Bury Road and terminating in Gomer Lane at a point thereon 30 yards or thereabouts measured in a southerly direction from the junction of Privett Road with that lane :

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Tramway No. 2 Partly tramroad and partly tramway (2·80 chains or thereabouts in length of which 1·80 chains or thereabouts will be double line and 1 chain or thereabouts will be single line) wholly in the parish of Alverstoke and the urban district of Gosport and Alverstoke commencing by a junction with Tramway No. 1 at the junction of Privett Road with Gomer Lane and terminating by a junction with the Lee-on-the-Solent (Light) Railway at a point thereon 50 yards or thereabouts measured in a south-westerly direction from the said junction of Privett Road with Gomer Lane :

Tramway No. 2 will for a distance of ·80 chain or thereabouts be laid along the carriageway of streets or roads and for the remainder of its length (2 chains or thereabouts) on private lands :

Tramway No. 3 A tramway (1 furlong 5 chains or thereabouts in length of which 1 furlong or thereabouts will be double line and five chains or thereabouts will be single line) wholly in the parish of Alverstoke and the urban district of Gosport and Alverstoke commencing in Foster Road by a junction with Tramway No. 2A authorised by the Act of 1903 at a point thereon 25 yards or thereabouts measured in an easterly direction from the junction of Foster Road with Linden Grove and terminating in Bury Road by a junction with Tramway No. 1 at a point 30 yards or thereabouts measured in a westerly direction from the junction of Gordon Road with Bury Road.

5. Subject to the provisions of this Act the Company may make the street works hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections together with all necessary and proper works improvements junctions connections approaches

Power to  
make street  
works.

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and conveniences connected therewith or incidental thereto and may enter upon take hold and use such of the lands and buildings delineated on the deposited plans and described in the deposited book of reference as they may require for those purposes and may enter upon open break up and interfere with such streets or roads as may be necessary for the like purposes.

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

Work A A widening or improvement of Bury Road in the parish and urban district of Gosport and Alverstoke on its south side between Green Lane and Foster Road :

Work B A widening of Privett Road in the parish and urban district of Gosport and Alverstoke on its south side between the road known as the Avenue and a point 1,100 yards distant from the junction of the Avenue with Privett Road :

Work C A widening or rounding off on the south side of Privett Road in the parish and urban district of Gosport and Alverstoke at its junction with Gomer Lane between points respectively 35 yards south and 35 yards east from the said junction :

Work D A widening of Gosport Road on its south-west side commencing in the parish of Alverstoke and urban district of Gosport and Alverstoke at a point at which Witch Lane forms a junction with that road and terminating in the parish and urban district of Fareham opposite a point at which the access road of the generating station of the Company at Hoeford forms a junction with the Gosport Road.

For protection of  
National  
Telephone  
Company  
Limited.

6. Before altering or otherwise interfering with any wires or apparatus of the National Telephone Company Limited carried along or over the said Bury Road Privett Road and Gosport Road or interrupting telephonic communication through such wires and apparatus the Company shall at their expense provide substituted wires and apparatus to the satisfaction of the National Telephone Company Limited and shall make compensation for all loss or injury that company may sustain in consequence of the widening of the said roads under the powers of this Act.

Owners may  
be required  
to sell parts

7. And whereas in the construction of the tramways and the street works or otherwise in exercise of the powers of this

Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

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—  
only of cer-  
tain lands  
and build-  
ings.

**8.** If there be any omission misstatement 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 Southampton for the correction thereof and if it appear to the justices that the omission misstatement 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 misstated 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 plans and the deposited 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.

Correction  
of errors in  
deposited  
plans and  
book of re-  
ference.

A.D. 1905.

Period for  
compulsory  
purchase of  
lands.Persons un-  
der disability  
may grant  
easements  
&c.Purchase of  
lands by  
agreement.Period for  
completion  
of tramways  
and street  
works.Power to  
deviate in  
constructing  
Tramway  
No. 2.

**9.** 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.

**10.** 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.

**11.** In addition to the other lands which the Company are by this Act or any other Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of their undertaking any lands not exceeding ten acres and they may on such lands erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connection with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any such lands.

**12.** The tramways and street works shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

**13.** The Company in constructing such portion of Tramway No. 2 as is not laid along the carriageway of any road may deviate laterally 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 vertically from the levels thereof shown on the deposited sections except where such tramway is laid across any street or road to the extent and subject to the conditions prescribed in the case of a railway in sections 11 12 14 and 15 of the Railways Clauses Consolidation Act 1845.



**14.** The Company in making the street works may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding two feet but not so as to increase without the consent of the road authority the rate of inclination of the roads or streets as shown on the deposited plans.

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Power to deviate in constructing street works.

**15.** The street works so far as the same affect any public street or road when the same shall respectively have been completed to the satisfaction of the road authority shall together with the surface rights in all lands laid into and appropriated for such works and the subsidiary works connected therewith vest in such road authority and shall for all purposes form part of the streets to which they are respectively added.

Vesting of street works in road authority.

**16.**—(1) The Company may subject to the provisions of this Act enter into agreements with the road authority with respect to the construction and vesting in the road authority of all or any part of the street works situate in the district of such authority and with respect to the forming laying down maintaining renewing repairing working and using of the tramways and the rails plates sleepers posts wires apparatus and works connected therewith and for facilitating the passage of carriages and traffic over and along any roads or streets in the district of such authority upon or along which any of the tramways are intended to be laid or any part thereof.

Agreements with road authority.

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

**17.** Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Company shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Cross-overs to be constructed in certain cases.

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Incorporation and application of certain sections of Act of 1903 to tramways.

**18.** The following sections of the Act of 1903 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways (that is to say):—

- Section 7 (For protection of urban district council of Gosport and Alverstoke);
- Section 11 (Company may reduce footpath for constructing tramways);
- Section 20 (Gauge of tramways);
- Section 22 (Overhang of carriages &c.);
- Section 23 (Rails of tramways);
- Section 24 (Inspection by Board of Trade);
- Section 25 (Plan of proposed mode of construction);
- Section 26 (Penalty for not maintaining rails and roads);
- Section 27 (Tramways to be kept on level of surface of road);
- Section 29 (Power to make additional cross-overs and to double tramway lines);
- Section 30 (Temporary tramways may be made when necessary);
- Section 31 (Sanitary authority to have access to sewers);
- Section 33 (As to posts standards and brackets);
- Section 34 (Provisions as to motive power);
- Section 35 (Byelaws);
- Section 36 (Attachment of brackets to buildings);
- Section 37 (Byelaws by local authority);
- Section 38 (Alteration of telegraph lines of Postmaster-General);
- Section 39 (For protection of Post Office telegraph lines);
- Section 41 (Special provisions as to use of electrical power);
- Section 42 (Electrical power works to be subject to sections 26 to 33 and 41 of Tramways Act 1870) Provided that section 30 of the Tramways Act 1870 shall have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a road or footpath;

- Section 44 (Rates) ;  
 Section 45 (Cheap fares for labouring classes) ;  
 Section 46 (As to fares on Sundays or holidays) ;  
 Section 61 (Agreements with local authorities as to supply  
 of electric power) ;  
 Section 62 (Penalty for malicious damage) ;  
 Section 63 (Consents of local or road authority) ;  
 Section 64 (As to purchase of electrical plant) ;  
 Section 65 (Provisions as to arbitration) ;  
 Section 67 (Orders &c. of Board of Trade) ;  
 Section 68 (Recovery of penalties).

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**19.** The following sections of the Act of 1903 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways and the street works (that is to say) :—

- Section 12 (Stopping of roads during execution of works) ;  
 Section 28 (Application of road materials excavated in  
 construction of works).

Incorporation and application of certain sections of Act of 1903 to tramways and street works.

**20.** In the event of so much of Stoke Road as is situate between Oak Street and the eastern side of the house known as Avenue House being widened by the urban district council of Gosport and Alverstoke to a width not exceeding fifty feet between the fences thereof the Company shall pay to the council two-thirds of the net cost of such widening including in such net cost all outlay for lands works legal and other costs charges and expenses and the expenses of and incidental to the obtaining (if necessary) by the council of a Provisional Order confirmed by Parliament to authorise the council to execute such widening Provided that all surplus land acquired for but not included in such widening shall (except with the consent of the Company) be sold by the council by public auction only and the moneys realised by any such sale shall be forthwith applied in repayment of the moneys borrowed by the council for the purposes of such widening.

Company to contribute to cost of widening portion of Stoke Road.

**21.** Notwithstanding anything shown on the deposited plans or in this Act contained the Company shall not except with the consent in writing of the urban district council of Gosport and Alverstoke and of the owner for the time being of Bury House

For protection of Bury House.

A.D. 1905. — construct under the powers of this Act any passing place or double line of tramway in the portion of Bury Road on which that house and the grounds thereof abut and the single line of tramway shall be so laid as to provide on the north side of such portion of Bury Road a clear space of not less than nine feet six inches between the outside of the footpath and the nearest rail of the tramway.

For protec-  
tion of owner  
of "Fair-  
thorne"  
Bury Road  
Gosport.

**22.** The Company shall not construct so much of the Tramways Nos. 1 and 3 by this Act authorised as lies between the junction of Gordon Road with Bury Road and the western termination in Bury Road of "Fairthorne" until the Work A by this Act authorised shall have been executed and completed so as to provide a clear space of not less than nine feet six inches between the outside of the footpath on either side of the road and the nearest rail of the tramway.

For protec-  
tion of Gos-  
port Water-  
works Com-  
pany.

**23.** For the protection of the Gosport Waterworks Company (hereinafter called "the water company") the following provisions shall have effect:—

(1) The provisions of sections 30 32 and 33 of the Tramways Act 1870 shall subject as hereinafter provided extend and apply to any main pipe or apparatus of the water company which may be affected by the execution of the works by section 5 of this Act authorised as if those works were a tramway within the meaning of the said sections. Provided always that if within fourteen days of the receipt by the water company of the notice required by subsection (1) of the said section 30 as applied by this Act and by this section to be given by the Company the water company shall by notice in writing so require the water company may by their own engineer or workmen execute any work of lowering or altering the position of any main pipe or apparatus which they would be entitled under the provisions of the said section to require the Company to execute and shall carry out such work with all reasonable speed and the Company shall on the completion thereof pay to the water company the reasonable expenses incurred by them in carrying out such work:

(2) The Company shall bear and pay on demand to the water company any additional expense which may be

imposed upon them in laying down repairing altering or removing any main or pipe for the supply of water by reason of the existence of the tramways authorised by this Act and by the Act of 1903 in any road or place where any such mains or pipes may be required to be laid down repaired altered or removed and if any difference arises between the Company and the water company with respect to any such additional expense the matter in difference shall be settled by an engineer or other fit person nominated as arbitrator by the President of the Institution of Civil Engineers in London on the application of either party Provided always that nothing in this subsection shall be deemed to supersede or dispense with any of the provisions of Part II. of the Tramways Act 1870 but those provisions shall remain in full force and effect :

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- (3) The Work B by this Act authorised shall be executed by the Company so as to provide a footpath not less than five feet in width along the frontage to Privett Road of the property numbered 5 in the parish of Alverstoke on the deposited plans and a clear space along such frontage of not less than nine feet six inches between the outside of such footpath and the nearest rail of the tramway.

**24.** Notwithstanding anything in this Act contained or shown on the deposited plans the Company shall not except with the consent in writing of the Lee-on-the-Solent (Light) Railway Company enter upon take or in any way interfere with the properties numbered 12 and 12A in the parish of Alverstoke on the deposited plans.

For protec-  
tion of Lee-  
on-the-So-  
lent (Light)  
Railway  
Company.

**25.—**(1) Nothing in this Act contained shall extend to authorise the Company to take or obtain rights over any lands easements or property belonging to His Majesty's Principal Secretary of State for the War Department or over which the said Secretary of State has clearance or other rights without the written consent of the said Secretary of State.

For protec-  
tion of War  
Department.

(2) The said Secretary of State shall be entitled to receive full compensation from the Company for all damage that may be done to any War Department property or to any electric wires or works belonging to the War Department by the construction or user of the tramways or the works in connection

A.D. 1905. — therewith or arising from any act or proceeding of the Company whether or not any land belonging to the said Secretary of State shall be taken by the Company.

Tramways to form part of undertaking of Company.

**26.** The tramways shall for all purposes be and be deemed to be part of the undertaking of the Company.

Extension of time for construction of Tramway No. 2A authorised by Act of 1903.

**27.** The powers granted by the Act of 1903 for the construction of Tramway No. 2A thereby authorised are hereby extended and may be exercised by the Company in respect of so much thereof as lies between its commencement in High Street and its junction with Tramway No. 3 by this Act authorised for the period of one year and in respect of the remainder thereof for the period of three years from the eleventh day of August one thousand nine hundred and five and section 6 (Period for completion of tramways) and 7 (For protection of urban district council of Gosport and Alverstoke) of the Act of 1903 shall be read and construed as if the periods respectively limited by this Act for the completion of the said tramway had been the period limited by the Act of 1903.

Power to provide and run omnibuses.

**28.**—(1) The Company may provide maintain work and run omnibuses to be moved by animal steam electrical or other mechanical power in connection with their tramways or when the running of carriages is impracticable or during the construction alteration or repair of the said tramways or any of them or in prolongation of any tramway route the extension of which may be contemplated by the Company.

(2) The Company shall not use electrical energy as motive power on any such omnibus unless the electrical energy is entirely contained in and carried along with such omnibus in such a manner as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(3) The Company may convey passengers and parcels not exceeding one hundred and twelve pounds in weight in the said omnibuses and may demand take and recover tolls rates and charges for the use of such omnibuses and for such conveyance as aforesaid.

(4) The powers of this section shall only be exerciseable by the Company subject to such byelaws as the local authority or authorities as the case may be within whose district or districts such omnibuses may be run are now or may hereafter be empowered to make and enforce with reference to omnibuses.

**29.** The Company may erect and maintain upon the lands for the time being belonging to or leased by them cottages or dwelling-houses suitable for their officers workmen and servants.

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Dwelling-  
houses for  
employees.

**30.** The Company may enter into and carry into effect contracts and agreements with the Lee-on-the-Solent (Light) Railway Company and any local authority company or person owning or working any tramways or light railways which can be worked with the tramways of the Company with respect to all or any of the following matters (that is to say):—

Company  
may contract  
to work tram-  
ways or light  
railways in  
neighbouring  
districts.

The working use management and maintenance of all or any of the tramways or light railways of the contracting parties and the works connected and used therewith or any part or parts thereof respectively ;

The making of all necessary junctions ;

The supply and maintenance under any agreement for all or any of the respective tramways or light railways of the contracting parties being worked and used by any one or more of them of such rolling stock plant and machinery and for the supply to or by the contracting parties being parties duly authorised to use electrical energy of such energy as may be necessary for the purposes and during the continuance of such agreement ;

The appointment and removal of officers and servants ;

The payments to be made and the conditions to be performed in respect of the matters aforesaid ;

The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties ;

The division and apportionment of the revenue arising from such traffic and the payment of any fixed or contingent rent ; and

The giving and taking of guarantees against any loss arising by reason of any such agreement and the paying out of their respective rates of any loss arising by reason of such guarantees :

Provided that any agreement under this section with respect to the supply of electrical energy shall be subject to the approval of the Board of Trade and that any such supply to the Company and any works constructed for the purpose thereof

A.D. 1905. — shall be subject to all provisions for the protection of the Postmaster-General and of his rights in respect thereof which are contained in the Act or Order by which the supplying local authority company or person is authorised to generate or supply electricity for the purposes of its own undertaking.

Company may apply corporate funds.

**31.** 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 already raised or are authorised to raise and which are not required for the purposes for which they were authorised to be raised.

Penalty imposed unless tramways opened within limited time.

**32.** If the Company fail within the period limited by this Act to complete the tramways or any of them 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 said 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 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 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.

**33.** 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 has 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 any portion thereof or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation 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 if 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 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.

**34.** 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 the Act of 1903 or this Act.

Provision as  
to general  
Tramway  
Acts.

**35.** 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. 1905.

The SCHEDULE referred to in the foregoing Act.

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WORK D.		
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