



CHAPTER clxvi.

An Act for making tramways in the county of Kent and for other purposes. A.D. 1884.
[28th July 1884.]

WHEREAS the construction of the tramways hereinafter described in the county of Kent to be worked by animal power only would be of public and local advantage :

And whereas the persons in that behalf in this Act named with others are willing at their own expense to construct such tramways on being incorporated into a company with adequate powers for the purpose :

And whereas it is expedient that the Company on the one hand and the South Eastern Railway Company on the other hand should be empowered to enter into and carry into effect working and other agreements as hereinafter provided :

And whereas plans and sections showing the situation lines and levels of the tramways authorised by this Act with a book of reference to those plans were duly deposited with the clerk of the peace for the county of Kent and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and 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 for all purposes as the Folkestone Sandgate and Hythe Tramways Act 1884. Short title.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Act 1845 (except the provisions Incorporation of general Acts.

A.D. 1884. thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) the Lands Clauses Consolidation Acts Amendment Act 1860 section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 so far as the same respectively are applicable to and not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act and shall apply to the undertaking of the Company.

Interpreta-
tion.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act the expressions "the tramways" and the "undertaking" mean respectively the tramways and works and the undertaking by this Act authorised the word "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company in-
corporated.

4. Benjamin Horton John Vallier Bean George Cobay Henry Bean Mackeson and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the tramways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Folkestone Sandgate and Hythe Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to
make tram-
ways.

5. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may make form lay down

work use and maintain 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 the tramways hereinafter described with all proper rails plates works and conveniences connected therewith. The tramways hereinbefore referred to and authorised by this Act are wholly situate in the county of Kent and are :—

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A tramway (No. 4 on the deposited plans) of which 2 miles 526 yards will be single line and 308 yards double line in the parishes of Cheriton Newington and St. Leonard Hythe commencing in the Esplanade Sandgate at the termination of the tramway numbered 3 on the deposited plans 67 yards or thereabouts westward of Sandgate Bathing Establishment passing along the Esplanade part of the Hythe and Sandgate Road the north side of the Royal Military Canal to Twiss Road part of Twiss Road the south side of the Royal Military Canal from Twiss Road to Stade Street Hythe and terminating at the eastern side of the said Stade Street :

A tramway (No. 4a on the deposited plans) of which 160 yards will be single line and 44 yards double line wholly in the parish of Cheriton commencing by a junction with tramway (No. 4) in the Hythe and Sandgate Road at a point 83 yards or thereabouts eastward of the lifeboat house measuring along the road passing along the southern side of the carriage approach road to Sandgate railway station booking office and terminating at the western end of the said approach road.

6. No tramway under this Act shall be laid or kept opposite to any part of a county police station unless a space of at least nine feet three inches be left to intervene between the kerb or edge of the footway in front of the station and the nearest part of any tramcar or engine using the rails of the said tramway and nothing carried on or drawn by an engine or tramcar on the said tramway shall project over the aforesaid space of nine feet three inches.

For protec-
tion of police
stations.

7. Notwithstanding anything in this Act contained the Company shall not lay down nor execute or commence any works for or preparatory to laying down the portion of Tramway No. 4 lying between the point of junction of that tramway with Tramway No. 4A and a point in Sandgate Esplanade 67 yards or thereabouts west of Sandgate Bathing Establishment unless and until the Company shall have given to the owners and occupiers of the property fronting upon the road along which it is proposed to lay such portion of tramway one month's previous notice of their intention to lay down

For protec-
tion of the
Sandgate
local board.

A.D. 1884. the same nor unless and until the Sandgate local board of health at an extraordinary meeting to be convened and held for that purpose at not less than seven days' notice shall have signified their consent in writing under their common seal to the laying down of such portion of the said tramway.

Tramways
not to be
constructed
during cer-
tain part of
the year.

8. The Company shall not commence or continue any work or works for or in connection with the laying down any tramway on any road or roads within the district of the Sandgate local board between the first day of June and the thirty-first day of October in any year and if any such work or works shall have been commenced prior to the first day of June and shall be in an incomplete state on that day the Company shall without being thereto required by the said local board forthwith restore the road or roads upon which any such work or works as aforesaid have been commenced and are then in an incomplete state to their former state and condition to the satisfaction of the surveyor to the said local board.

Deposit
fund.

9. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of one thousand five hundred pounds being equal to five per centum upon the amount of the estimate in respect of the tramways proposed to be authorised by the Bill for this Act as originally introduced into Parliament has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act: And whereas the tramways so proposed as aforesaid included certain tramways which were struck out of the said Bill during its progress through Parliament: And whereas the estimate for the tramways by this Act authorised amounts to ten thousand pounds five per centum upon which sum is equal to five hundred pounds: Be it enacted notwithstanding anything contained in the said Act that of the said sum of one thousand five hundred pounds so deposited as aforesaid in respect of the application for this Act the sum of five hundred pounds (which sum is referred to in this Act as the deposit fund) shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers. Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production

of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways, hereby authorised the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

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10. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been made and also in compensating all road authorities for the expense incurred by them in taking up any tramways or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been

Application
of deposit.

A.D. 1884. — ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof. Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of
balance of
money
deposited.

11. On the application of the depositors by petition in a summary way at any time after the passing of this Act the Chancery Division of the High Court of Justice in England may and shall order that the balance of the said sum of one thousand five hundred pounds so deposited as aforesaid over and above the deposit fund and the interest and dividends thereof shall be paid to the depositors or to any other person or persons whom they may appoint in that behalf.

Further pro-
visions as to
construction
of tramways.

12. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing the tramways lay before the Board of Trade 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 constructing laying down maintenance and renewal of the tramways or part of the tramways except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

As to rails
of tramways.

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

Inspection
by Board of
Trade.

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

Tramways
to be kept
on level of
surface of
road.

15. 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 tramways is laid the Company may and shall from time to time alter or (as the case may be) lay their rails so that the

uppermost surface thereof shall be on a level with the surface of the road as altered. A.D. 1884.

16. 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 and such penalty shall be a penalty within the meaning of section 56 of the said Act. 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 rate-payers 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.

Penalty for not maintaining rails and roads.

17. Every sanitary road or sewer 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 and pipes to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary road or sewer authority as if the same were a pipe for the supply of gas or water.

Sewer authority to have access to sewers.

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

Company may be required to use improved form of rail.

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Additional
crossings
passing
places &c.
may be
made where
necessary.

19. The Company may subject to the provisions of this Act with the consent of the road authority from time to time make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage houses or works of the Company provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Temporary
tramways
may be
made when
necessary.]

20. When by reason of the execution of any work affecting the surface or soil of the road along 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 may with the consent of the road authority subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued. If any difference arises between the Company and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways 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 the differences in the said section mentioned.

Application
of road
materials
excavated
in construc-
tion of
works.

21. Any paving metalling or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after the completion of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road

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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 or persons 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 determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

22. The capital of the Company shall be fifteen thousand pounds in one thousand five hundred shares of ten pounds each. Capital.

23. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof. Shares not to be issued until one-fifth paid up.

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

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

26. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole three thousand seven hundred and fifty pounds but no part thereof shall be borrowed until the whole capital of fifteen thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or Power to borrow.

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assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

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

Mortgages to comprise purchase money paid on compulsory sale.

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

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

29. 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 tramway undertaking in the event of their being purchased by the local authority under the forty-third section of the Tramways Act 1870.

Money borrowed on mortgage to have priority.

30. All moneys to be borrowed on mortgage under this Act 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 engagements entered into by them after the passing of this Act but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Company not to create debenture stock.

31. The Company shall not create debenture stock.

Application of moneys.

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

First and subsequent meetings.

33. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

34. The number of the directors shall be four but the Company may from time to time reduce the number provided that the number be not less than three. A.D. 1884.
Number of
directors.

35. The qualification of a director shall be the possession in his own right of not less than twenty-five shares. Qualification
of directors.

36. The quorum of a meeting of directors shall be three and two if the number be reduced to three. Quorum of
directors.

37. Benjamin Horton John Vallier Bean George Cobay and Henry Bean Mackeson shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First direc-
tors.

Election of
directors.

38. The Company may from time to time in addition to the other lands which they are by this Act authorised to acquire purchase by agreement any lands which they may require for any of the purposes of their undertaking not exceeding in the whole three acres. Power to
purchase
lands &c. by
agreement.

39. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to
take ease-
ments &c. by
agreement.

40. The Company may demand and take for any passenger travelling upon the tramways or any part or parts thereof including Tolls for
passengers.

A.D. 1884. tolls for the use of the tramways and of carriages and for motive power and for every other expense incidental to such conveyance any tolls or charges not exceeding two pence per mile and in computing the said tolls or charges a fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than three pence.

Passengers' luggage.

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

Tolls for small parcels.

42. The Company may demand and take in respect of any materials articles or things in small parcels conveyed by them on the tramways including the tolls for the use of the tramways and for wagons and motive power and every other expense incidental to the conveyance (except a reasonable charge for delivery and collection and any other service incidental to the business of a carrier when any such service is performed by the Company) any tolls or charges not exceeding the rates following (that is to say):—

For any parcel not exceeding seven pounds in weight three pence:

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight five pence:

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight seven pence:

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight nine pence:

For any parcel exceeding fifty-six pounds in weight any sum which they may think fit:

Cheap fares for labouring classes.

43. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Company think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny). Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such

carriages the said Board shall have power to fix and regulate the same from time to time. A.D. 1884.

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

Periodical
revision of
tolls.

45. The Company on the one hand and the South Eastern Railway Company on the other hand may from time to time enter into and carry into effect and rescind contracts agreements and arrangements with respect to the following purposes or any of them (that is to say):—

Power to
enter into
arrange-
ments with
the South
Eastern
Railway
Company.

The working use management and maintenance by the South Eastern Railway Company of the tramways and works of the Company or any part or parts thereof:

The supply and maintenance under any agreement for the tramways of the Company being worked and used by the South Eastern Railway Company of stock and plant necessary for the purposes of such agreement and the employment of officers and servants:

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the Company:

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The fixing collection payment appropriation apportionment and distribution of the tolls rates income and profits arising from the tramways and works of the Company or any part thereof :
And all incidental matters.

Provided always that no contract or arrangement under this section shall have any effect until the same has been approved by the Board of Trade.

Limiting period for completion of works.

46. If the works are not completed within two years from the passing of this Act the powers hereby granted to the Company for making the same shall cease except as to such parts thereof as are then made and completed.

Power to certain corporate bodies &c. to enter into agreements respecting construction &c. of works.

47. Subject to the provisions of this Act the Company may enter into and carry into effect agreements with the corporation of Hythe and the Sandgate local board of health or either of them respecting the construction and maintenance of the aforesaid works or any of them or any part or parts thereof respectively the acquisition of and appropriation thereto of lands and property and the contribution thereto of funds and in respect to any other matters incidental thereto.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

48. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Company.

Company to carry mails.

49. The Company if required by the Postmaster-General shall perform with respect to any of the tramways by this Act authorised all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act 1882) as the Postmaster-General may from time to time require by notice under the hand of one of the secretaries or assistant secretaries of the Post Office or the Inspector-General of Mails for the time being the remuneration for such services being determined by agree-

ment or failing agreement by a referee to be appointed by the Board of Trade at the request of either party. A.D. 1884.

Provided that except by agreement no mails shall be tendered for conveyance to the Company unless such mails are in charge of an officer of the Post Office and provided that except by agreement the aggregate weight of mails in charge of any one officer shall not exceed the maximum weight of luggage for the time being allowed to an ordinary passenger and shall not be carried on the seat or so as to inconvenience passengers but nothing in this section shall deprive the Postmaster-General of the right of requiring the Company to convey mails either as parcels or goods if and to the same extent as the Company are at any time conveying parcels or goods on their own account.

In this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873.

50. 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 on calls paid up.

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

52. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act. Company not exempt from provisions of present or future general Tramway Acts.

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

