



CHAPTER cli.

An Act to confer further powers upon the Portsmouth Street Tramways Company and for other purposes. A.D. 1896.

[20th July 1896.]

WHEREAS by the Portsmouth Street Tramways Act 1870 (in this Act called "the Act of 1870") the Portsmouth Street Tramways Company were incorporated and by the Portsmouth Street Tramways (Amalgamation) Act 1883 (in this Act called "the Act of 1883") the undertakings of the Gosport Street Tramways Company and the General Tramways Company of Portsmouth Limited were amalgamated with the undertaking of the Portsmouth Street Tramways Company (which Company is in this Act referred to as "the Company"):

And whereas the Company are possessed of tramways in the borough of Portsmouth and the neighbourhood thereof constructed under the powers of the following Acts and Provisional Orders which have been passed with reference to the Company and the aforesaid companies whose undertakings are so amalgamated with the undertaking of the Company under the Act of 1883 (that is to say):—

The Landport and Southsea Tramway Act 1863;

The Act of 1870;

The Portsmouth Street Tramways (Extension) Order, 1874;

The Landport Southsea and Portsea Street Tramways Order 1876;

The Portsea Street Tramways Order 1877;

The Portsmouth &c. Tramways Act 1879;

The Gosport Street Tramways Act 1879;

The Gosport Street Tramways Act 1881; and

The Act of 1883;

(which Acts and Provisional Orders are herein-after referred to as "the Company's Acts"):

[Ch. cli.] *Portsmouth Street Tramways* [59 & 60 Vict.]
Act, 1896.

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And whereas it is expedient that provision be made as in this Act contained for the working of the tramways of the Company by mechanical power :

And whereas by the borough of Portsmouth Kingston Fratton and Southsea Tramways Act 1883 (in this Act called "the Fratton Act of 1883") the borough of Portsmouth Kingston Fratton and Southsea Tramways Company (in this Act called "the Fratton Company") were incorporated and authorised to construct certain tramways in the parish of Portsea in connexion with the tramways now belonging to the Company :

And whereas the Fratton Company were by the said Act authorised subject to the approval of the Board of Trade to enter into and carry into effect agreements with other parties for the use by such parties of their tramways :

And whereas by direction of the High Court the undertaking of the Fratton Company was on the thirtieth day of July one thousand eight hundred and ninety-two sold to the Provincial Tramways Company Limited (in this Act called "the Provincial Company") :

And whereas in view of the probability of the tramways authorised by the Fratton Act of 1883 being used and worked by the Company in connexion with their undertaking by agreement with the Provincial Company under the aforesaid powers it is expedient that provision be made for the exercise in reference to such tramways during the continuance of any such agreement of all such and the like powers with respect to the user on such tramways of mechanical power as are contained in this Act in reference to the tramways of the Company :

And whereas under the powers of the Act of 1870 and of the Tramways Act 1870 which is incorporated with the aforesaid Acts passed subsequently to the year 1870 provision is made for the purchase of the tramways authorised by such Acts respectively by the local authorities of the districts in which the same are respectively situate within six months after the expiration of twenty-one years from the passing of the respective Acts and Provisional Orders authorising such tramways and within six months after the expiration of every succeeding period of seven years :

And whereas it is expedient that further powers be conferred upon the mayor aldermen and burgesses of the borough of Portsmouth (in this Act called "the corporation of Portsmouth") and any other local authorities as aforesaid and the Company from time to time to enter into agreements with respect to the purchase or for the continued user by the Company of any tramways

belonging to or worked by the Company and that provision be made as in this Act contained with respect to the purchase by the corporation of Portsmouth of mechanical plant of the Company and that power be conferred upon the Company to accept a lease or leases of any tramways which may be acquired or owned by the corporation of Portsmouth or any other local authority of any district adjoining the borough of Portsmouth and to demand take and recover fares and charges in respect of any such tramways : A.D. 1896.

And whereas it is expedient that the Company be authorised to raise further money :

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

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

1. This Act may be cited as the Portsmouth Street Tramways Act 1896. Short title.

2. The provisions of the Companies Clauses Consolidation Act 1845— Incorporation of general Acts.

With respect to the distribution of the capital of the Company into shares ;

With respect to the transfer or transmission of shares ;

With respect to the payment of subscriptions and the means of enforcing the payment of calls ;

With respect to the forfeiture of shares for non-payment of calls ;

With respect to the remedies of creditors of the Company against the shareholders ;

With respect to the borrowing of money by the Company on mortgage or bond ;

With respect to the conversion of the borrowed money into capital ;

With respect to the consolidation of the shares into stock ;

With respect to the making of dividends ;

With respect to the giving of notices ;

With respect to 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 as amended by the Companies Clauses Act 1869 are (except

A.D. 1896. where expressly varied by this Act) incorporated with and form part of this Act.

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 "mechanical power" means and includes electrical power either carried in the carriages or generated or applied from stations steam power (locomotive or stationary) and haulage by means of wire ropes cables or chains or other appliances. And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in any Act wholly or partially incorporated with this Act shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the same is used were a simple contract debt and not a debt or demand created by statute. And the word "contingencies" in the Companies Clauses Consolidation Act 1845 section 122 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of capital and debts of the Company.

Mechanical
power may
be used.

4. Notwithstanding anything in any of the herein-before recited Acts or Provisional Orders contained to the contrary the Company and any other company or body for the time being working the tramways authorised by the Company's Acts may freed from all restrictions provisions and regulations imposed by contained in or made under the herein-before recited Acts and Provisional Orders relating thereto respectively but subject instead to the provisions of this Act use mechanical power for moving carriages and trucks on all or any of the tramways authorised by the Company's Acts and (during the continuance of any agreement between the Company or any such other company or body and the Provincial Company for the working by the Company or any such other company or body of the tramways authorised by the Fratton Act of 1883) upon all or any of the tramways so worked. Provided always that the exercise of the powers hereby conferred with respect to the use of mechanical power shall be subject to the regulations set forth in the schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of mechanical power. Provided further that

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nothing in this Act contained shall authorise the Company to use other than animal power for moving carriages and trucks on any portion of the tramways within the district of the Gosport and Alverstoke Urban District Council without the previous consent in writing of the said council.

5. The Company and any other company or body for the time being working their tramways shall use on the tramways which under the provisions of this Act are worked by mechanical power such system only of mechanical power as shall for the time being be approved of in writing by the Board of Trade and if at any time the Board of Trade are satisfied that the use of such system cannot be continued without danger the Board of Trade may by order direct the Company or such other company or body as the case may be to cease to use such system and the Company or such other company or body as the case may be shall thereupon cease to use such system and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

System of
mechanical
power to
be approved
by Board
of Trade.

6. The Company may subject to the provisions of this Act construct lay down place erect maintain renew and repair all such engines cables electric mains wires posts plates tubes grooves rails batteries dynamos accumulators apparatus machinery works and appliances as may be requisite or necessary for the purpose of the working by mechanical power of any tramways which in accordance with the provisions of this Act it may for the time being be lawful to work by mechanical power and may for that purpose subject to the restrictions and provisions contained in Part II. of the Tramways Act 1870 open and break up any street or road in which the tramways so to be worked by mechanical power or any of them may be situate and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided that all posts and wires erected by the Company outside the borough of Portsmouth under the powers of this Act in any street or road above the level of the surface thereof shall be erected in such position and at such height and shall be of such design as shall be reasonably approved by the local authority or in the event of such approval being withheld for the period of one month after notice in writing shall have been given to the local authority by the Company stating the position in which and the height at which such posts and wires are proposed to be erected and accompanied by drawings showing the design of such posts then the said posts and wires shall be erected in such position and at such height and

As to laying
down and
maintaining
works
necessary
for using
mechanical
power.

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Power to
construct
generating
stations &c.

7. For the purpose of working any tramways under the powers of this Act by means of mechanical power generating stations with all necessary engines batteries dynamos accumulators and other apparatus works and appliances for the production of electricity may be constructed erected and worked upon and within but not beyond the limits of the lands herein-after specified (that is to say):—

- (A.) The depôt of the Company known as No. 40 Broad Street Portsmouth:
- (B.) The depôt of the Company situate on the south side of Broad Street Portsmouth and opposite to No. 40 Broad Street aforesaid:
- (C.) The depôt of the Company Gladys Avenue North End Portsmouth.

For the
protection
of the
Corporation
of Ports-
mouth.

8. Notwithstanding anything in this Act contained the following provisions for the protection of the corporation of Portsmouth (in this section referred to as "the corporation") shall apply and have effect:—

- (1.) The Company shall not at any time without the consent of the corporation under their common seal work any of the tramways within the borough of Portsmouth belonging to worked or to be worked by the Company otherwise than by animal power:
- (2.) In the event of the Company with the approval of the corporation adopting electrical traction for the working of the said tramways or any part thereof the following provisions shall apply thereto:—
 - (A.) All posts pillars or other supports to be erected for the purposes of such traction within the borough of Portsmouth shall be of such designs and materials and placed in such situations as the corporation shall approve. It shall be lawful for the corporation to use the posts pillars and supports of the Company for the purpose of affixing lamps or fittings for all public lighting or fixing fire alarms or electric wires or otherwise to utilize the same for all purposes which they may think useful or convenient and which are not inconsistent with the use of the same for the purposes of the Company;

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(b.) The corporation may supply and the Company shall take from the corporation the electrical energy necessary for working any of the tramways which may for the time being be worked by the Company by electrical power. The payments to be made or other consideration to be given by the Company to the corporation in respect of any such supply of energy and the terms and conditions subject to which such energy shall be supplied shall be such as may be agreed upon between the Company and the corporation or failing agreement as shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade;

(c.) The Company shall not exercise the powers by this Act granted for the construction and erection of generating stations with the necessary engines batteries and other appliances for the production of electricity unless and until the corporation fail to supply the Company with sufficient electrical energy for the proper working of the tramways of the Company. Provided that the Company shall upon any alleged failure occurring forthwith give notice thereof in writing to the corporation and failure to supply such energy which shall not be permanent but shall arise from some unforeseen accident or cause beyond the control of the corporation shall not be deemed to be such a failure as to justify the Company in exercising such powers nor shall the inability of the Corporation to supply energy for working the tramways of the Company outside the borough of Portsmouth be deemed to be such a failure as to justify the Company in establishing generating stations for supplying energy for working the tramways of the Company within the borough;

(d.) In the event of the powers by this Act granted to the Company for the construction and erection of generating stations coming into operation and those powers being exercised the Company shall not without the consent of the corporation sell or otherwise dispose of to third parties any of the energy generated by them.

9. It shall be lawful for the Company for the purpose of using mechanical power to hold acquire and exercise patent and other rights or licences (not being exclusive) relating to motive power or otherwise.

Company may acquire patent and other rights.

10. The Company on the one hand and the corporation of Portsmouth and the other authorities having respectively the control

Agreements with public bodies.

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or management of any streets or roads along which any of the tramways belonging to or for the time being used or worked by the Company are laid or any of them on the other hand may from time to time enter into and carry into effect agreements with respect to the use of mechanical power on such tramways the mode of laying down or erection and maintenance of any cables mains apparatus or other works and the exercise of any powers by this Act conferred in that behalf.

Penalty for using mechanical power contrary to Act.

11. If the Company or any other company or body using mechanical power on any of the tramways which are by this Act authorised to be worked by mechanical power use the same contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act they shall for every such offence be subject 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 continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or such other company or body using mechanical power on such tramways have made default in complying with the provisions of this Act or with any of the regulations set forth in the schedule to this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or body as the case may be to cease to exercise the powers aforesaid and thereupon the Company or such other company or body as the case may be shall cease to exercise the powers aforesaid and shall not again exercise the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

12. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

For regulating the use of the bell whistle or other warning apparatus fixed to the engines carriages or trucks;

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

For providing that engines carriages and trucks 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 ;

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For 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 regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

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

13. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

As to
recovery of
penalties.

14. The provisions of the Tramways Act 1870 and of the Act of 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed on any tramways by this Act authorised to be worked by mechanical power than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on such tramways but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 and of the Act of 1870 for restricting the rate of speed to a lower rate than that so prescribed.

Amendment
of the
Tramways
Act 1870
as to
byelaws
by local
authority.

15. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or assistant-secretary of the Board of Trade.

Orders
byelaws.

16. The following provisions shall apply to the use of electric power under this Act on any of the aforesaid tramways unless such power is entirely contained in and carried along with the carriages :—

As to use of
electric
power.

(1.) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2.) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by

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fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :

- (3.) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as "the prescribed regulations") and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for diminishing as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4.) The Company using electric power contrary to the provisions of this section or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this section shall for every such offence be subject to the penalty prescribed by the section of this Act of which the marginal note is "Penalty for using mechanical power contrary to Act" but nothing in this Act shall render the Company liable to a double penalty for the same offence Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electric power under the authority of this section have made default in complying with the provisions of this section or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to use electric power and thereupon the Company shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :
- (5.) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric

power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid 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 the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of this Act nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper 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 If any difference arises between the Company and any other party with respect to anything in this sub-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 :

(6.) Electric lines circuits or works of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as the use thereof is limited to such purposes shall not be deemed to be electric wires lines and apparatus or wires lines or apparatus used for the purpose of transmitting electric power within the meaning of this section :

(7.) The expression "the Company" in this section shall include any company or body working the tramways of the Company.

17. Any person who shall without lawful excuse (the proof whereof shall lie on him) wilfully take up remove cut or injure any cable electric main wire post plate tube groove machinery or apparatus used for or in connexion with the working of any tramway worked under the powers of this Act by mechanical power or fix or place in the slots tubes or grooves or on the rails of any such tramway

For
preventing
malicious
damage.

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any article matter or thing which might hinder or obstruct the working of such tramway or damage the same or the machinery apparatus engines or carriages used thereon or in connexion therewith or do or cause to be done any other matter or thing with intent to impede or endanger the working of any such tramway by means of mechanical power or who shall knowingly aid or assist in or attempt to do any of the foregoing acts shall for every such offence be liable (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding ten pounds.

Agreements
with cor-
poration of
Portsmouth
as to supply
of electric
power.

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

- (1.) The supply to the Company by such corporation of electrical energy for working any tramways which may for the time being be worked by the Company by electrical power under the foregoing provisions of this Act or otherwise :
- (2.) The payments to be made or other consideration to be given by the Company to such corporation in respect of any such supply of energy.

As to
purchase
by corpora-
tion of
mechanical
plant.

19. In the event of the corporation of Portsmouth determining in accordance with the provisions of the Act of 1870 or the Tramways Act 1870 to purchase the tramways of the Company or any part thereof which may for the time being be worked by mechanical power they shall at the same time if so required by the Company purchase all engines 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 borough of Portsmouth for the time being worked by the Company in connexion with the tramways so purchased.

Agreements
as to
purchase of
tramways
by local
authorities.

20. The Company on the one hand and the corporation of Portsmouth and any other local authority in whose district any tramway or tramways or part of a tramway or tramways for the time being belonging to or worked by the Company is situate on the other hand may from time to time enter into and carry into effect agreements for or with respect to the user and occupation by the Company of any such tramway or tramways or portion of tramway or tramways and for the postponement of the date at which the right of the corporation of Portsmouth or such other local authority as

the case may be to purchase such tramway or tramways or portion of tramway or tramways shall be exercised for such periods (whether in extension of the period limited by the Act of 1870 or the Tramways Act 1870 or otherwise) and for such consideration whether by way of rent or other payment by the Company or otherwise and on such terms and conditions as may be agreed between the Company and the corporation of Portsmouth or such other local authority as the case may be.

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21. The Company may from time to time accept and take from the corporation of Portsmouth or any local authority of any district adjoining the borough of Portsmouth a lease or leases of any tramway or tramways owned by such corporation or local authority and all lands works and property connected therewith on such terms and conditions and for such period as may be agreed between the corporation of Portsmouth or such other authority as the case may be and the Company and during the continuance and subject to the terms and conditions of any such lease the Company may work maintain and use the tramway or tramways and works and property connected therewith thereby leased and may demand take and recover in respect of such tramway or tramways tolls fares and charges not exceeding the tolls fares and charges authorised to be taken upon such tramway or tramways by the Act or Acts or Provisional Order or Orders relating to or regulating the same respectively.

Company may take a lease of tramways from local authorities.

22. In the event of any tramways of the Company being worked by electricity the following provisions shall unless such power is entirely contained in and carried along with the carriages have effect:—

For protection of the Postmaster General.

(1.) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

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- (2.) If any telegraphic line of the Postmaster General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3.) (A.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work (B.) Any difference which arises between the Postmaster General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :
- (4.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (6.) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected.

by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

- (7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 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 :
- (10.) Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :
- (11.) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways of the Company and the provisions of this section shall so far as relates to the Company extend to any tramways or undertaking for the time being worked by the Company.

23. The Company may from time to time apply towards any of the purposes of this Act or to the general purposes of their undertaking being in each case purposes to which capital is properly applicable any moneys which they have raised or may hereafter raise under any other Act or Acts and which may not be required for the purposes to which by the respective Acts such moneys are made applicable.

Power to apply existing funds.

24. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole one hundred thousand pounds by the issue

Power to raise additional capital.

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at their option of new ordinary shares or stock or preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof Any such preference shares or stock may be issued with such rights as between such preference shares or stock and any ordinary shares or stock of the Company to priority in distribution of assets as may be fixed by the meeting of the Company at which it shall be determined to issue any portion of such additional capital as preference capital Provided always that the terms and conditions on which such preference shares or stock are or is issued shall be stated on the certificates thereof.

Receipts on behalf of incapacitated persons.

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

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

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

Power to borrow.

27. The Company may from time to time borrow on mortgage of their undertaking in addition to the sums which by any other Act or Acts they are authorised to borrow any sum or sums not exceeding in the whole twenty-five thousand pounds and of that sum they may borrow any sum or sums not exceeding twelve thousand five hundred pounds in respect of each fifty thousand pounds of such additional capital but no part of any such sum of twelve thousand five hundred pounds shall be borrowed until the whole of the fifty thousand pounds additional capital in respect of which it is to be borrowed 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 fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such portion of additional 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 or the whole of the stock in such portion of additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of additional 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 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.

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28. The provisions of section 11 of the Act of 1883 for the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending.

Repealing
existing
provisions as
to receiver.

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

For
appointment
of a receiver.

30. The Company shall not create debenture stock.

Company not to
create debenture
stock.

31. 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 a local authority under section 43 of the Tramways Act 1870 or section 38 of the Act of 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

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

32. 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 undertaking of the Company in the event of purchase by a local authority under the forty-third section of the Tramways Act 1870 or the thirty-eighth section of the Act of 1870.

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

33. All mortgages granted by the Company before the passing of this Act in pursuance of the powers of any former Act and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act.

Existing
mortgages
to have
priority.

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

Moneys
borrowed on
mortgage
to have
priority.

35. All moneys raised under this Act whether by shares stock or borrowing shall be applied for the purposes only of this Act and

Application
of moneys.

A.D. 1896.

other the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Fares on
Sundays or
public
holidays not
to be raised.

36. It shall not be lawful for the Company or any person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary working days.

Interest not
to be paid
on calls
paid up.

37. 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 the 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.

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

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

Provision as
to general
Tramways
Acts.

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

Costs of Act.

40. 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.

SCHEDULE referred to in the foregoing Act.

A.D. 1896.

Every engine used on any tramways for the time being worked by mechanical power under the provisions of the foregoing Act shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

Break power
of engines.

Every engine used on such tramways shall have its number shown in some conspicuous part thereof and shall be fitted:—

As to fittings
of engines &c.

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

Every carriage used on such tramways shall be so constructed as to provide for the protection of passengers from the machinery of any engine used for drawing or propelling such carriage.

As to
carriages.

The Board of Trade shall on the application of the authority having respectively the duty of directing the repairs or the control or management of any streets roads or places along which any tramway for the time being so worked by mechanical power is situate and may on complaint made by any person from time to time inspect any engine or carriage used on such tramways and the machinery therein and may whenever they think fit prohibit the use on such tramways of any such engine or carriage which in their opinion may not be safe for use on such tramways.

Inspection of
engines and
carriages.

The speed at which engines and carriages may be driven or propelled along such tramways shall not exceed the rate of ten miles an hour.

As to speed.

The speed at which engines and carriages may pass through moveable facing points shall not exceed the rate of four miles an hour.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
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