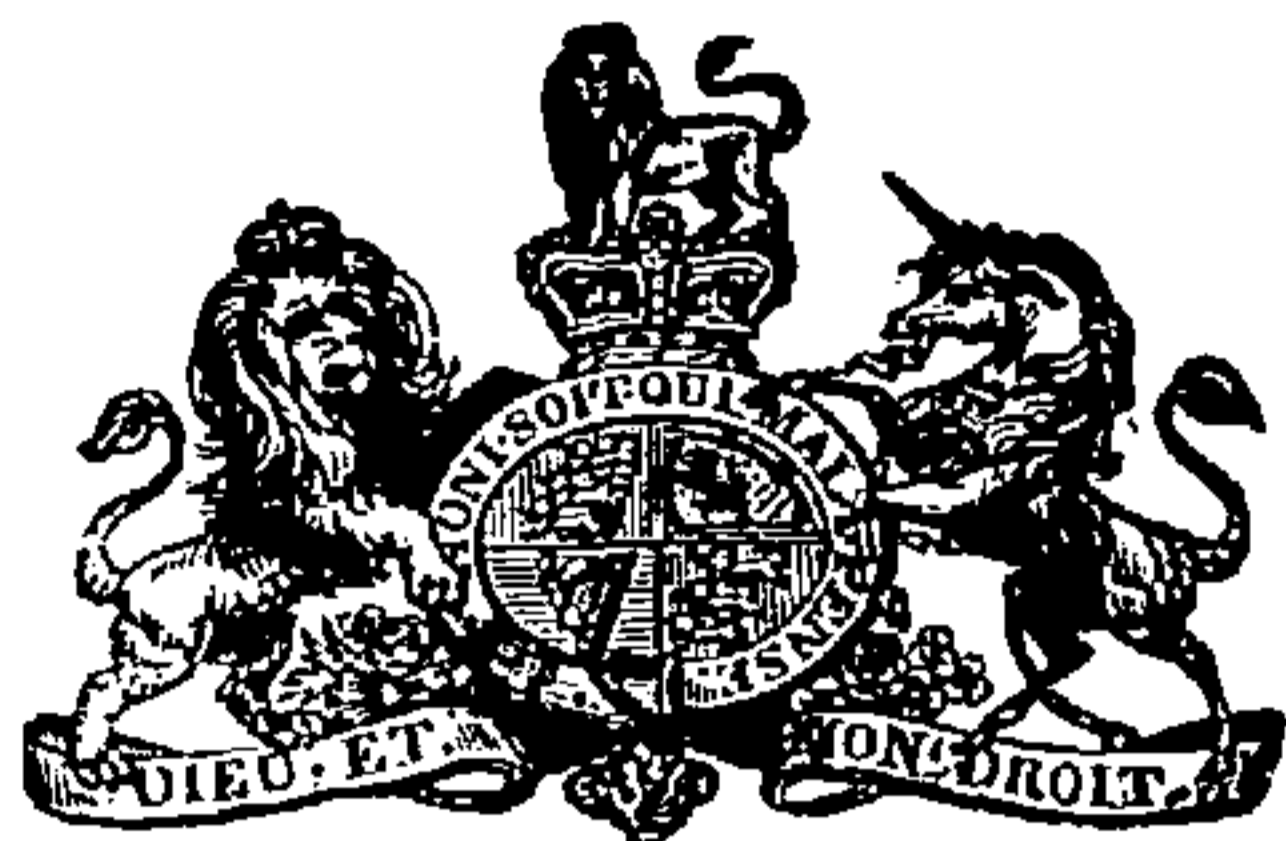


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CHAPTER ccxxix.

An Act to confer further powers upon the Mayor Aldermen and Burgesses of the Borough of Portsmouth with reference to the acquisition construction and working of Tramways in the said Borough and for other purposes. A.D. 1898.

[12th August 1898.]

WHEREAS under and by virtue of the Portsmouth Street Tramways (Amalgamation) Act 1883 the tramways in the borough of Portsmouth authorised by the Landport and Southsea Tramway Act 1863 and the Landport Southsea and Portsea Street Tramways Order 1876 (in this Act respectively referred to as "the Act of 1863" and "the Order of 1876") are now vested in the Portsmouth Street Tramways Company (in this Act called "the company") :

And whereas the mayor aldermen and burgesses of the borough of Portsmouth (in this Act called "the Corporation") are proceeding in exercise of the powers of purchase conferred upon them by the Tramways Act 1870 to purchase the tramways authorised by the Order of 1876 :

And whereas the company are also owners of the tramways in the borough constructed under the powers of the following Acts and Order (that is to say) :—

The Portsmouth Street Tramways Act 1870 ;

The Portsmouth Street Tramways (Extensions) Order 1874 ;
and

The Portsmouth &c. Tramways Act 1879 ;

and further powers with respect to their tramways were conferred upon the company by—

The Portsmouth Street Tramways (Amalgamation) Act 1883 ;
and

The Portsmouth Street Tramways Act 1896

(all of which Acts and Order are in this Act included in the expression "the recited Acts") :

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And whereas the Provincial Tramways Company Limited (in this Act called "the Provincial Company") are the owners of the tramways constructed under the powers of the Borough of Portsmouth Kingston Fratton and Southsea Tramways Act 1883 (in this Act referred to as "the Act of 1883"):

And whereas it is expedient that the Corporation should in connection with the purchase by them of the tramways authorised by the Order of 1876 be empowered to purchase the other tramways and undertakings authorised by the before-mentioned Acts and Orders (including so much thereof as is outside the borough) in accordance with the provisions of this Act:

And whereas it is expedient that the Corporation should be authorised to construct the tramways herein-after described and to work and use the said tramways and any tramways for the time being belonging to or which may hereafter be constructed or acquired by them by mechanical or other power:

And whereas it is expedient that the Corporation should be empowered to acquire for the purposes of a generating station the lands in this Act mentioned adjoining their existing electric light generating station:

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

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

And whereas estimates have been prepared by the Corporation for the purposes of this Act and such estimates are as follows:—

For the execution of the works by this Act authorised and for the construction of works for adapting the tramway authorised by the Act of 1863 and the Order of 1876 to be worked by mechanical power the sum of thirty-five thousand pounds;

For the purchase of land under this Act the sum of three thousand three hundred pounds:

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council at a meeting held on the fourteenth day of December one

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thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Evening News a local newspaper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate : A.D. 1898.

And whereas such resolution was published twice in the said Evening News and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eleventh day of January one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the third schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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) :--

PART I.—PRELIMINARY.

1. This Act may be cited as the Portsmouth Corporation Tramways Act 1898. Short title.

2. This Act shall be divided into parts as follows :—

Part I.—Preliminary.

Part II.—Purchase of tramways.

Part III.—Construction of tramways.

Part IV.—Working of tramways.

Part V.—Generating station.

Part VI.—Financial and miscellaneous.

Division
of Act
into parts.

3. The provisions of the Lands Clauses Acts and of section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act :

Incorporation
of Acts.

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Provided that the provisions of section 30 of the Tramways Act 1870 shall apply in relation to any alteration of or interference with any telegraphic line of the Postmaster-General subject to the following condition (that is to say) That all works executed by the Corporation in pursuance of that section in relation to any lowering or alteration of the telegraphic lines of the Postmaster-General or to the provision of telegraphic lines for the use of the Postmaster-General shall if the Postmaster-General so desire be executed by the Postmaster-General or his officers at the expense of the Corporation The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

Interpreta-
tion.

4. In this Act the following words and expressions have the meanings hereby assigned to them unless the subject or context otherwise requires:—

"The borough" means the borough of Portsmouth;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the council of the borough;

"The town clerk" means the town clerk of the borough;

"The borough fund" and "the borough rate" and "the district fund" and "the general district rate" mean respectively the borough fund and borough rate and district fund and general district rate of the borough;

"Daily penalty" means a penalty for each day on which any offence is continued after conviction thereof;

"The Company" means the Portsmouth Street Tramways Company;

"The Provincial Company" means the Provincial Tramways Company Limited;

"Mechanical power" means steam electric and every other motive power not being animal power;

"Engine" includes motor;

"The tramways" includes the tramways by this Act authorised and any other tramways for the time being belonging to or which may hereafter be constructed or acquired by the Corporation:

And words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings.

Execution
of Act.

5. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council.

PART II.—PURCHASE OF TRAMWAYS.

A.D. 1898.

Purchase
of tramways
authorised
by Act of
1863 by
Corporation.

6. At any time within three years from the passing of this Act the Corporation may by written notice addressed to the company under the hand of the town clerk require them to sell to the Corporation and the company shall thereupon become bound by virtue of this Act to sell and the Corporation to purchase as a going concern the undertaking authorised by the Act of 1863 at the expiration of twelve months from the service of such notice and for such consideration being a sum in gross and on such terms and conditions as shall be agreed or as in default of agreement shall be determined by arbitration under and according to the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and on the basis of a compulsory sale and in construing those provisions for the purposes of this section the word "lands" shall mean the undertaking authorised by the Act of 1863 and the expression "the promoters of the undertaking" shall mean the Corporation Provided always that for the purposes of any arbitration under this section the parties shall be deemed to have concurred in the appointment as a single arbitrator of the engineer or other fit person to be nominated in accordance with the provisions of section 43 of the Tramways Act 1870 for determining the value of the tramways to be purchased by the Corporation under the provisions herein-after contained.

7.—(1) At the same time that the Corporation give notice requiring the company to sell the undertaking authorised by the Act of 1863 they shall give notice under and in accordance with the provisions of section 43 of the Tramways Act 1870 to the company and the Provincial Company respectively requiring those companies respectively to sell at the expiration of twelve months from the service of such notice all the tramways and undertakings of those companies in the borough of Portsmouth and in the parish of Cosham constructed under the powers of or authorised by the recited Acts or any of them and by the Act of 1883 :

Purchase of
other tram-
ways by
Corporation.

The purchase of the tramways and undertakings in this subsection mentioned shall be completed simultaneously with the completion of the purchase of the undertaking authorised by the Act of 1863.

(2) Such notice shall (subject as herein-after provided) be of full force and have effect as if the same had been given within six months after the expiration of one of the periods mentioned in

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section 43 of the Tramways Act 1870 and as if the tramways in the parish of Cosham were situate within the borough Provided that in assessing under the provisions of that section the value of the tramways comprised in any such notice the arbitrator shall have regard to all the circumstances of the case and shall determine what addition (if any) shall be made to the value of the said tramways lands buildings works material and plant as determined by him under and in accordance with the provisions of the said section by way of compensation to the Company and the Provincial Company respectively for loss of net profits which might have been obtained by them from the tramways constructed under the Acts in this section before mentioned if such tramways had remained in their possession until the respective earliest dates next after the date at which the Corporation obtain possession of the said tramways and undertakings on which the same could but for the provisions of this section have been purchased by the local authority under the provisions of section 43 of the Tramways Act 1870 Provided that no claim in respect of any unexpired term shall be made by the Company with regard to the tramways authorised by the Order of 1876.

(3) Notwithstanding anything contained in section 43 of the Tramways Act 1870 such notice may be given and shall have full force and effect by virtue of this Act without the passing of any such resolution or the obtaining of any such consent as is required by that section.

(4) The purchase by the Corporation of the tramways authorised by the Order of 1876 shall not be proceeded with until the Corporation have given notice to purchase the other tramways referred to in this and the last preceding section and such purchase shall be completed simultaneously with the completion of the purchase of the undertaking authorised by the Act of 1863 and the arbitrator (if any) appointed for determining the value of such other tramways shall determine the value of the tramways authorised by the Order of 1876 if such value be not agreed between the parties.

(5) Possession of the tramways and undertakings referred to in this and the last preceding section shall be given to the Corporation immediately on the expiration of the said period of twelve months and if at that date the purchase shall not have been completed and the purchase money paid the Corporation shall pay interest on the purchase money from that date until the date of payment at such rate as failing agreement shall be determined by the arbitrator.

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8. The sale of the said tramways shall be carried into effect by a deed of conveyance duly stamped and truly stating the consideration and on the execution thereof the said tramways shall be transferred to and vested in the Corporation subject and according to the provisions of this Act and thenceforth the Corporation in their own name and for their own benefit shall have and hold the said tramways (which transfer and vesting is in this Act referred to as "the transfer").

Transfer of
tramways
by deed.

9. From and after the transfer the Act of 1863 shall by virtue of this Act be repealed except the provisions of the said Act which are set forth in the schedule to this Act which provisions shall apply to the tramways and works authorised by the Act of 1863 and have effect as if the Corporation had been therein named and referred to instead of the company incorporated by the Act of 1863 and the tramways and works authorised by that Act shall be maintained and used by the Corporation under and in accordance with the provisions of the Tramways Act 1870 and this Act so far as the same are applicable thereto.

Partial
repeal of Act
of 1863.

10. With respect to the portion of the tramways to be acquired by the Corporation under this Act which is situate in the parish of Cosham the local authority if by resolution passed at a special meeting of the members constituting such local authority they so decide may within six months after the expiration of a period of seven years from the transfer of such portion of tramway and within six months after the expiration of every subsequent period of three years with the approval of the Board of Trade by notice in writing require the Corporation to sell and thereupon the Corporation shall sell to them the said portion of tramway upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever) of the said portion of tramway and all lands buildings works materials and plant of the Corporation suitable to and used by them exclusively for the purposes of the said portion of tramway such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference to be borne and paid as the referee directs. And when any such sale has been made all the rights powers and authorities of the Corporation in respect to the said portion of tramway shall be transferred to vested in and may be exercised by the local authority in like manner as if such portion of tramway was constructed by such authority

Purchase of
tramways
outside
borough
by local
authority.

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A.D. 1898. — under the powers conferred upon them by a Provisional Order under the Tramways Act 1870 and in reference to the same they shall be deemed to be the promoters.

No such resolution shall be valid unless a month's previous notice of the meeting and of the purpose thereof has been given in manner in which notices of meetings of the local authority are usually given nor unless two-thirds of the members constituting the local authority are present and vote at the meeting and a majority of those present and voting concur in the resolution and it shall be lawful for the chairman of any such meeting with the consent of a majority of the members present to adjourn the same from time to time.

The local authority may pay the purchase money and all expenses incurred by them in the purchase of the said portion of tramway under the authority of this section out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect any Provisional Order obtained by them under the Tramways Act 1870.

Running powers.

11. In the event of the said portion of tramway being purchased by the local authority under the last preceding section the Corporation may run over work and use the same with their engines carriages and trucks for the conveyance and carriage of passengers and traffic upon such terms and conditions and subject to such payments as may be agreed upon or failing agreement as may be determined in the manner prescribed by section 33 of the Tramways Act 1870.

PART III.—CONSTRUCTION OF TRAMWAYS.

Construction of tramways.

12. Subject to the provisions of this Act the Corporation may after the transfer make form lay down and maintain in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramways herein-after described together with all proper rails plates sleepers junctions turnouts crossings passing-places works and conveniences connected therewith and may take up and remove so much of the existing lines of tramway as will be rendered unnecessary by the construction of the said tramways The said tramways authorised by this section will be situate in the borough and are as follows :—

Tramway No. 1 a single line 1 furlong and 7 chains in length in duplication of the existing tramway commencing by a junction with the existing tramway at a point opposite the drinking

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fountain in the roadway leading from the Pier Hotel to the Clarence Esplanade Pier passing along the said roadway and terminating therein by a junction with the existing tramway at a point opposite the entrance of the Pier Hotel : A.D. 1898:

Tramway No. 2 a double line 7 chains and 10 links in length in substitution for the existing tramway commencing by a junction with the existing tramway in King's Terrace at a point 80 links or thereabouts measured in a northerly direction from the intersection of Gold Street and King's Terrace and terminating in Landport Terrace by a junction with the existing tramway at a point 80 links or thereabouts measured in a northerly direction from the intersection of King's Road and King's Terrace :

Tramway No. 3 a single line 1 furlong 5 chains and 90 links in length in duplication of the existing tramway commencing by a junction with the existing tramway in Landport Terrace at a point 2 chains or thereabouts measured in a northerly direction from the intersection of King's Road and Landport Terrace and terminating by a junction with the existing tramway in Hampshire Terrace at a point 60 links or thereabouts measured in a southerly direction from the intersection of Wiltshire Street and Hampshire Terrace :

Tramway No. 4 a single line 9 chains and 50 links in length in duplication of the existing tramway commencing by a junction with the existing tramway in Emanuel Road or Western Parade at a point opposite the entrance to the saloon bar of the Grosvenor Hotel and terminating in the said Emanuel Road or Western Parade by a junction with the existing tramway at a point 3 chains or thereabouts measured in a southerly direction from the intersection of Kent Road and Emanuel Road or Western Parade :

Tramway No. 5 a single line 1 furlong and 70 links in length in duplication of the existing tramway commencing by a junction with the existing tramway in Southsea Terrace at or about the point of intersection of Castle Road and Southsea Terrace and terminating by a junction with Tramway No. 1 at a point 1 chain and 90 links or thereabouts from the termination of the said Tramway No. 1 :

Tramway No. 6 a double line 4 furlongs and 60 links in length in substitution for the existing tramway commencing by a junction with the existing tramway and Tramway No. 2 at a point 60 links or thereabouts measured in a southerly direction from the intersection of King's Road and King's Terrace

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passing along Alexandra Road and St. George's Road and terminating in the last-named road by a junction with the existing tramway at a point opposite the north corner of the east abutment of the bridge carrying the Portsmouth Extension Railway over the said St. George's Road :

Tramway No. 7 a single line 5 chains and 40 links in length in duplication of the existing tramway commencing by a junction with the existing tramway in St. George's Road at a point 1 chain and 50 links or thereabouts measured in a north-westerly direction from the point of termination of Tramway No. 6 and terminating in Ordnance Row by a junction with the existing tramway at a point 80 links or thereabouts measured in a north-westerly direction from the intersection of Smith's Lane and Ordnance Row :

Tramway No. 8 a double line 3 furlongs 4 chains and 50 links in length in substitution for the existing tramway commencing by a junction with Tramway No. 6 at a point in St. George's Road opposite the south corner of the east abutment of the bridge carrying the Portsmouth Extension Railway over the said St. George's Road passing along Park Road and terminating therein by a junction with the existing tramway at a point 30 links or thereabouts measured in an easterly direction from the intersection of Nelson Square and Park Road :

Tramway No. 9 a single line 1 furlong 2 chains and 60 links in length in duplication of the existing tramway commencing by a junction with the existing tramway at a point 70 links or thereabouts measured in an easterly direction from the intersection of Nelson Square and Park Road passing along Park View and terminating by a junction with the existing tramway in Commercial Road at a point 1 chain or thereabouts measured in a northerly direction from the intersection of Park View and Commercial Road :

Tramway No. 10 1 furlong 2 chains and 60 links in length of which 7 chains and 10 links will be single line and 5 chains and 50 links double line commencing by a junction with the existing tramways in Victoria Road South at a point 1 chain and 20 links or thereabouts measured in a northerly direction from the intersection of St. Vincent Road and Victoria Road South passing along Victoria Road South and terminating by a junction with the existing tramway on the north side of the Circle at a point 70 links or thereabouts measured in a southerly direction from the intersection of Victoria Road South with the north side of the Circle :

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Tramway No. 11 a single line 1 chain and 20 links in length commencing by a junction with Tramway No. 10 at a point 1 chain and 30 links or thereabouts from its termination and terminating by a junction with the existing tramway on the north side of the Circle at a point 80 links or thereabouts measured in a westerly direction from the intersection of Victoria Road South with the Circle: A.D. 1898.

Tramway No. 12 a single line 1 chain and 30 links in length commencing by a junction with Tramway No. 10 at a point 60 links or thereabouts from the termination thereof and terminating by a junction with the existing tramway on the south side of the Circle at a point 50 links or thereabouts measured in a south-westerly direction from the intersection of Clarendon Road with the Circle.

13. The tramways by this Act authorised shall be constructed on a gauge of 4 feet 8½ inches and carriages or trucks adapted for use upon railways shall not be used thereon. Gauge.

14. If the tramways by this Act authorised are not completed within a period of two years after the transfer then on the expiration of that period the powers by this Act granted to the Corporation for constructing the same or otherwise in relation thereto shall cease except as to so much of the said tramways respectively as shall then have been completed. Period for completion of tramways.

15. The rails of the tramways by this Act authorised shall be such as the Board of Trade may approve. Rails of tramways.

16. No part of the tramways by this Act authorised shall be opened for public traffic until the same shall have been certified to be fit for such traffic by the Board of Trade. Tramways not to be opened until certified by Board of Trade.

17. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade 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 Corporation shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement shall 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. Provisions as to construction of tramways.

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Penalty
for not
maintaining
rails and
roads in
good
condition.

18. The Corporation 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 Corporation at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject to a penalty not exceeding five pounds and in the case of a continuing offence to a daily penalty not exceeding five pounds and such penalty may be recovered as by section 56 of the said Act is provided. In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Corporation have made any such default as aforesaid 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 Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Power to lay
double lines
in place of
single lines
&c. and
make
additional
passing
places.

19. The Corporation may lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time after the construction of any of the tramways the road in which the same or any part thereof is laid has been or shall be altered or widened the Corporation may take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit and the Corporation may subject to the provisions of this Act make maintain alter and remove all such crossings passing-places sidings junctions turn-outs and other works in addition to those particularly specified in and authorised by this Act as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for facilitating the traffic of the roads in which the same are laid or for providing access to any warehouses stables carriage-houses sheds or works. Provided that in the construction of any works under the powers of this section no rail shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road unless such less space shall have intervened prior to the construction of such works if one third of the owners or one third of the occupiers of the

premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation express their objection thereto. A.D. 1898.

20. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Corporation necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued. Temporary tramways may be made where necessary.

21. Any paving metalling or material excavated by the Corporation in the construction of their works from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit. Application of road materials excavated in construction of works.

22. The Corporation may demand and take in respect of Tramways Nos. 1 2 3 4 5 6 7 8 and 9 and in respect of the tramways authorised by the Act of 1863 the tolls rates and charges authorised by the Order of 1876 and in respect of Tramways Nos. 10 11 and 12 the tolls rates and charges authorised by the Portsmouth &c. Tramways Act 1879. Tolls &c. on new tramways.

23. The Conveyance of Mails Act 1893 shall extend and apply to all tramways of the Corporation authorised before 1893 as if the same had been authorised by Act of Parliament passed after the 1st day of January 1893 and to the Corporation as the body or person owning or working such tramways. Conveyance of Mails Act 1893 to apply to certain tramways.

PART IV.—WORKING OF TRAMWAYS.

24. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place or run carriages on and may work and may demand and take tolls and charges in respect of any tramways for the time being belonging to the Corporation or which may hereafter be acquired or constructed by them and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power. Power to Corporation to work tramways.

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As to fares
on Sundays
and holidays.

25. It shall not be lawful for the Corporation or any person working or using the tramways for the time being belonging to the Corporation 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 week days.

Provisions
as to motive
power.

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

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

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

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

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

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

(b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such company or person shall comply with every such order :

In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

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27. The Corporation may make such alterations of the tramways or any parts or part thereof and may execute all such works on or in connection therewith and in over or under the streets roads or places in which the same are laid as may be necessary or expedient for adapting the same to be worked by mechanical power and may construct erect and maintain in under or over the surface of any street road or place such posts conductors wires apparatus subways tunnels cables tubes and openings as may be necessary or expedient for the purposes aforesaid and with the consent in writing of the owner and occupier of any house or building may attach such posts conductors wires and apparatus to such house or building.

Adaptation
of tramways
to mechanical
power.

28. In the construction and maintenance of the tramways of the Corporation and in exercise of the powers and provisions of this Act the following provisions shall unless otherwise agreed between the London and South Western Railway Company and the London Brighton and South Coast Railway Company (in this section called "the two companies") and the Corporation apply and have effect:—

For protection of
London
and South
Western and
London
Brighton and
South Coast
Railway
Companies.

(A) The Corporation or their contractors or agents or anyone in their employ respectively shall not in any way alter or interfere with the structure of any railway arch bridge or other work belonging to or maintained by the two companies nor erect any post or affix any bracket or wire upon any such bridge or other work without the consent in writing of those companies under the hand of the secretary of the joint committee of the two companies:

(B) In the event of the two companies requiring for the purposes of repair renewal or widening of any such bridge as aforesaid to erect scaffolding against or around the abutments or piers or under the superstructure of such bridge they shall be at liberty to do so after having given fourteen days' notice thereof in writing to the Corporation and if necessary the Corporation shall at their own expense during the period required for the execution and completion of such repair renewal or widening divert the line of tramway or wires or make such other arrangements as may be reasonably required by the two companies for the purposes of such repair renewal or widening:

(C) Provided always that the Corporation shall not in the exercise of the powers of this section in any manner affect or interfere with the railways arches bridges works or conveniences or any of them of or belonging to the two

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companies without the consent in writing of those companies or in the event of the Corporation failing to obtain such consent within fourteen days after making due application for the same then only in such manner and under such conditions as shall in case of difference be decided by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of the two companies or the Corporation :

- (D) The Corporation shall bear and on demand pay to the two companies all reasonable costs of the superintendence by them of the construction erection or laying of any work post wire or bracket or the repair thereof respectively affecting any bridge railway or other property of the two companies and all reasonable costs of watching lighting and protection of their railway and other property with reference to and during such construction and repair :
- (E) Any additional expense incurred by the two companies in the maintenance of any bridges occasioned by the execution by the Corporation of any works under the powers of this Act shall be borne and paid by the Corporation and the Corporation shall indemnify the two companies against and compensate them for any injury or loss which they may sustain by reason of or in connection with the exercise of any of the powers of this Act :
- (F) Any difference which may arise between the Corporation and the two companies under this section shall (unless agreed or otherwise expressly provided by this section) be settled by arbitration in manner provided by the Tramways Act 1870.

Special provisions as to use of electric power.

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

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

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(3) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking : A.D. 1898.

(4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

(5) If any difference arises between the Corporation and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

(6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

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

30. In the event of any tramways of the Corporation being worked by electric power the following provisions shall have effect :— For protec-
tion of
Postmaster-
General.

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in

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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 arise as to whether the Corporation 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 Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

- (2) If any telegraphic line of the Postmaster-General be injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation 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 Corporation 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 Corporation 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 Corporation 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 Corporation or their agents the Corporation shall be liable to a fine not exceeding

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ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication be wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues : A.D. 1898,

- (5) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the Court having cognizance 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 Corporation 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 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation 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 Corporation by indictment action or otherwise in relation to any of the matters aforesaid :

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(11) In this section the expression "the Corporation" includes their lessees and licencees and any person owning working or running carriages over any tramway of the Corporation.

Byelaws.

31. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

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

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

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

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

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to 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.

Recovery of penalties.

32. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

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

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

Regulations.

34. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time

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being belonging to and worked by the Corporation be made by the Corporation alone and shall apply to the tramways authorised by the Act of 1863 as if those tramways had been constructed under the Tramways Act 1870.

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35. All orders regulations byelaws consents approvals and certificates made or given by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Orders &c.
of Board
of Trade.

PART V.—GENERATING STATION.

36. The Corporation may erect construct maintain and use dynamos and other electrical apparatus steam-engines works and buildings upon the lands herein-after described and may for the purposes of their tramway undertaking supply and use electrical energy from the electrical undertaking for the time being in use by them for the purpose of supplying electricity within the borough including any generating station on any lands to be acquired under this section :

Power to
acquire lands
and generate
electricity.

The lands herein-before referred to are certain lands (being the premises now used by the Corporation as an electric light generating station) situate between Gunwharf Road and Highbury Street and also certain lands buildings and property adjoining the said generating station and bounded on the north by such generating station on the south by Crown Street on the east by Highbury Street and on the west by Gunwharf Road and certain other lands buildings and property situate in Highbury Street immediately adjoining the said generating station on the north side thereof and known as No. 31 Highbury Street and subject to the provisions of this Act the Corporation may enter upon take and use such of the before-mentioned lands as are not already the property of the Corporation and are shown upon the deposited plans and described in the deposited book of reference Provided that nothing in this Act shall empower the Corporation to construct a station for generating electric power on any lands other than those described in this section Provided also that nothing in this Act shall exonerate the Corporation from any indictment action or other proceedings for nuisance in the event of any nuisance being caused by them on any of the lands described in this section.

37. If any omission misstatement or wrong description is found to have been made of any lands or of any owners lessees or occupiers of any lands shown or described or intended to be shown or described on the deposited plans or in the deposited book of reference the Corporation may apply to two justices for the

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

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A.D. 1898. — correction thereof after giving ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly stating the particulars of the omission misstatement or erroneous description and such certificate shall be deposited with the clerk of the peace for the county of Southampton and with the town clerk and shall be kept by the said clerks respectively with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on take hold and use those lands accordingly.

Restriction on taking houses of labouring class.

38. The Corporation shall not under the powers by this Act granted purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

Period for compulsory purchase of lands.

39. The powers of the Corporation 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.

Persons under disability may grant easements &c.

40. 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 Corporation any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Act in or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

PART VI.—FINANCIAL AND MISCELLANEOUS.

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41.—(1) The Corporation may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say):—

Power to borrow.

(a) For the payment of the moneys payable by the Corporation to the Company or the Provincial Company for the purchase of any of their tramways under this Act and the expenses of and incidental to the transfer of such tramways to the Corporation the sum requisite for those purposes ;

(b) For the construction of the tramways by this Act authorised the construction of works for adapting the tramways authorised by the said Act of 1863 and the said Order of 1876 to be worked by mechanical power the sum of thirty-five thousand pounds ;

(c) For the purchase of land under this Act the sum of three thousand three hundred pounds ;

(d) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And with the sanction of the Board of Trade such further moneys as the Corporation may require for any of the purposes of their tramway undertaking and with the approval of the Local Government Board such further moneys as the Corporation may require for any of the other purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge as regards the purposes (a) (b) and (d) in this section mentioned the revenue of their tramway undertaking as regards the other purposes in this section mentioned the revenue of their electric lighting undertaking and as collateral security as regards all or any of such purposes the borough fund and borough rate.

42. The Corporation may raise all or any moneys which they are authorised to borrow under this Act either by the creation and issue of Corporation stock under and subject to the regulations of the Local Government Board made under the Public Health Acts Amendment Act 1890 or by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others.

Mode of raising money.

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Certain regulations of Public Health Act as to borrowing not to apply.

43. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Application of provisions of Public Health Act as to mortgages.

44. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

- Section 236. Form of mortgage ;
- Section 237. Register of mortgages ;
- Section 238. Transfer of mortgages.

Periods for discharge of loans.

45. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act respectively referred to as "the prescribed period") following (that is to say) :—

As to moneys borrowed for the purposes (a) and (b) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within the limit there prescribed within thirty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purpose (c) in the said section mentioned within the limit there prescribed within sixty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purpose (d) in the said section mentioned within ten years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Board of Trade or the Local Government Board within such period as such Board may think fit to sanction.

Mode of repayment of money borrowed on mortgage.

46. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of sinking funds or partly by one of those methods and partly by another or others of them.

Sinking fund.

47.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act other than moneys borrowed by the issue of Corporation stock such sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed
A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

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(B) By payment to the fund throughout the prescribed period of such annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum to equal the interest which would have been produced by such sinking fund or the part of such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation.

(6) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

48. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the

Corporation
not to regard
trusts.

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A.D. 1898. receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment
of receiver.

49.—(1) The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Power to re-
borrow.

50. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual
return to
Local
Government
Board.

51.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during

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the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court. A.D. 1898.

(2) If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund or any interest thereof to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

52. The proceeds of the sale of any lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board. Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed. Proceeds of sale of surplus lands to be treated as capital.

53. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Application of money borrowed.

54. The Corporation shall keep separate and distinct accounts of all sums received and payments made by them in respect of their tramway undertaking under the authority of this Act and of the Tramways Act 1870 and such accounts may be made up and balanced as at the thirty-first day of March annually. Separate accounts to be kept.

55. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof. Protection of lender from inquiry.

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Application
of revenue.

56. The Corporation shall apply all money from time to time received by them in respect of the tramway undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :---

First In payment of any expenses payable by the Corporation for the maintenance of the tramways and working and establishment expenses ;

Secondly In payment of the interest on moneys borrowed by the Corporation for tramway purposes ;

Thirdly In providing the requisite instalments or sinking fund payments in respect of moneys borrowed for tramway purposes ;

Fourthly In payment of all other the expenses of the Corporation in relation to their tramway undertaking not being expenses properly chargeable to capital :

And the Corporation shall carry to the borough fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their tramway undertaking and paying the current expenses connected therewith.

As to
deficiency
in receipts.

57. Any deficiency in the revenues or receipts of the Corporation on account of their tramway undertaking shall be from time to time made good out of the borough fund or borough rate in such manner as the Corporation may from time to time determine.

Provision
as to
arbitration.

58. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall (except as provided in the section of this Act of which the marginal note is "Purchase of tramways authorised by Act of 1863 by Corporation") apply to every such arbitration.

Form and
delivery
of notices.

59. With respect to notices and to the delivery thereof by or to the Corporation the following provisions shall have effect (that is to say) :—

(1) Every notice shall be signed by the town clerk if given by the Corporation and by their clerk or secretary if given by any company :

(2) Any notice to be delivered by or to the Corporation to or by any body or company may be delivered by being left at the principal office of such body or company or at the town clerk's office as the case may be or by being sent by post addressed to their respective clerk or secretary at their principal office or to the town clerk at his office.

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60. Notwithstanding anything in this Act contained the Corporation and any person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways.

—
Saving for
general
Acts.

61. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act.

Costs of
Act.

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The SCHEDULE referred to in the foregoing Act.

SECTIONS of the ACT of 1863 saved from REPEAL.

Provision as
to construc-
tion of
tramway
through
property of
the War
Department.

27. And whereas a great portion of the tramway will be carried along the glacis of the fortifications and across and over roads and other public property belonging to Her Majesty and under the charge of Her Majesty's Principal Secretary of State for War and it is expedient that such fortifications and public property should be preserved from injury or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the said Company to enter upon or possess or occupy any buildings lands or roads belonging to Her Majesty and under the control or management of the said Principal Secretary of State for War without the consent of the said Principal Secretary of State for War in writing first had and obtained for that purpose which consent such Principal Secretary of State for War is hereby authorised to give subject nevertheless to such terms and conditions (not being inconsistent with the provisions of this Act) as the said Principal Secretary of State for War may see fit to impose and it shall not be lawful for the Company to commence the construction of the tramway and works by this Act authorised unless and until plans sections and specifications thereof shall have been submitted to and approved by Her Majesty's Principal Secretary of State for War and if at any time after the construction of the tramway the Company shall be required by writing under the hand of Her Majesty's Principal Secretary of State for War to remove or alter the line or situation of the tramway where the same shall be constructed in or upon such lands belonging to Her Majesty as aforesaid the Company shall forthwith after being so required remove or alter the same and if the tramway shall not be removed or altered accordingly it shall be lawful for Her Majesty's Principal Secretary of State for War by writing under his hand to direct the removal or alteration of the same at the cost and charge of the Company and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs of suit.

Buildings not
to be con-
structed near
tramway.

30. The Company shall not construct any building of any description upon or near to any portion of the line of tramway.

Annual sum
to be paid
for use of
certain land
belonging to
Her Majesty.

31. The Company shall on the first of January next hereafter following and on the same day in each and every subsequent year pay to Her Majesty's Principal Secretary of State for War for the time being or to any person appointed by him to receive the same the sum of five pounds as and by way of acknowledgment for the use and occupation by the Company of the portion of the public property belonging to Her Majesty upon which the said tramway and other works may be constructed and such sum shall if unpaid for the period of thirty days be recoverable with costs of suit as a debt due from the Company to the Crown.

[61 & 62 VICT.] *Portsmouth Corporation Tramways* [Ch. ccxxix.]
Act, 1898.

A.D. 1898.

32. Previously to commencing any work below high-water mark the Company shall deposit at the Admiralty Office plans sections and working drawings of such works for the approval of the Lord High Admiral of the United Kingdom of Great Britain and Ireland or the Commissioners for executing the Office of Lord High Admiral aforesaid such approval to be signified in writing under the hand of the Secretary of the Admiralty and such work shall be constructed only in accordance with such approval and when such work shall have been commenced or constructed it shall not be lawful for the Company at any time to alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval and if such works shall be commenced or completed or be altered extended or constructed contrary to the provisions of this Act it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate alter and remove the same and to restore the site thereof to its former condition at the cost and charge of the Company and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs of suit.

Plans of works to be submitted to the Admiralty.

36. If any work to be constructed by the Company below high-water mark shall be abandoned or suffered to fall into disuse or decay it shall be lawful for the said Lord High Admiral or the said Commissioners to abate and remove the same or such part or parts thereof as he or they may at any time or times deem fit and proper and restore the site thereof to its former condition at the cost and charge of the Company and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs of suit.

Admiralty may abate disused works.

37. The tramway where carried over tidal water shall be removed by the Company at any time if required by the Board of Trade and if not so removed the Board of Trade may abate and remove the same at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or may be recovered with costs as a penalty is or may be recoverable from the Company.

Board of Trade may remove tramway where carried over tidal water.

Printed by EYRE and SPOTTISWOODE,

FOR

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

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