CHAPTER cclvii.

An Act for incorporating the London Southern Tramways Company and empowering them to construct Tramways in the parishes of Lambeth and Camberwell in the county of Surrey and for other purposes. [18th August 1882.] A.D. 1882.

WHEREAS the construction of the tramways in this Act described in and along certain roads in the parishes of Lambeth and Camberwell in the county of Surrey would be of local and public advantage:

And whereas the several persons in this Act named in that behalf are willing at their own expense with others to construct and maintain the said tramways on being incorporated into a company with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly:

And whereas plans and sections of the proposed tramways showing the lines and levels thereof and a book of reference to those plans have been deposited with the clerk of the peace for the county of Surrey and are herein-after referred to respectively as the deposited plans sections and book of reference:

And whereas a plan and section showing the line and levels of an intended alteration of a part of the tramways as laid down upon the deposited plans and a book of reference to the plan have also been deposited with the clerk of the peace for the county of Surrey and are herein-after respectively referred to as the supplemental plan section and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

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Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited for all purposes as the London Southern Tramways Act 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 33 & 34 Vict. c. 78.

2. The following Acts and parts of Acts (that is to say):

The Companies Clauses Consolidation Act 1845 and Part I (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869;

The Lands Clauses Consolidation Acts 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to entry on lands by the promoters of the undertaking) 1860 and 1869; and

Section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870;

are except where they are expressly varied by or are inconsistent with the provisions of this Act incorporated with and form part of this Act.

Interpretation.

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

The expression "the Company" means the Company incorporated by this Act;

The expressions "the tramways" and "the undertaking" mean respectively the tramways and undertaking by this Act authorised;

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated with this Act shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute and

The word "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company.

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Company incorporated.

4. John Pelton and David Buck Miller and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be united into a Company for the purpose of making and maintaining the tramways and for other the purposes of this Act and for those purposes shall be incorporated by the name of "The London Southern Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act and their undertaking shall be called "The London Southern Tramways."

Power to make tramways.

5. Subject to the provisions of this Act the Company may make form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections as altered by the supplemental plan and section and in accordance with those plans and sections the tramways herein-after described with all needful and proper rails plates sleepers chairs offices weighbridges weighing-machines works and conveniences connected therewith.

The tramways herein-before referred to and authorised by this Act are the following namely:

A tramway forming a portion of Tramway No. 1 on the deposited plans one mile seven furlongs six chains and fifteen links or thereabouts in length consisting of seven furlongs six chains and eighty-six links of single line and seven furlongs nine chains and twenty-nine links of double line to be situate wholly in the parish of Lambeth commencing in the South Lambeth Road in the said parish at a point one chain and fifty-five links or thereabouts south-westwards of Vauxhall Cross and terminating in Cold Harbour Lane at a point seventy links or thereabouts north-east from the junction of Gresham Road;

Tramway No. 1A one chain eighteen links or thereabouts in length consisting of a single line to be wholly situate in South Lambeth Road in the parish of Lambeth commencing at a point thirty-five links or thereabouts south-west of Vauxhall Cross and terminating by a junction with Tramway No 1 at its commencement;

A tramway being a portion of Tramway No. 2 on the deposited plans one mile two furlongs seven chains and sixty-five links or thereabouts in length consisting of seven furlongs five chains and thirty-three links of single line and three furlongs two chains and thirty-two links of double line commencing in High Street Camberwell in the parish of Camberwell by a

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double line at points three chains and thirty-five links or thereabouts measured southward from the south-west corner of the Cock public-house and terminating at the junction of Cold Harbour Lane with the Brixton Road.

A tramway being an alteration of a portion of Tramway No. 2 on the deposited plans one furlong and eight links in length consisting of a single line to be wholly situate in High Street Camberwell and forming a loop round the cab stand at the northern end of that street and commencing and terminating by junctions with Tramway No. 2 at points respectively three chains and thirty-five links or thereabouts measured southward from the south-east corner of the Cock public-house;

Tramway No. 3 seven furlongs four chains and sixty links or thereabouts in length consisting of six furlongs and one chain and ten links of single line and one furlong three chains and fifty links of double line to be wholly situate in the parish of Lambeth commencing by a junction with Tramway No. 2 in Cold Harbour Lane at a point one chain or thereabouts south of the junction of Hinton Road and terminating in Milkwood Road at or near its termination at Norwood Lane;

Tramway No. 4 one mile three furlongs four chains and ten links or thereabouts in length consisting of one mile seven chains and thirty links of single line and two furlongs six chains and eighty links of double line to be wholly situate in the parish of Lambeth commencing at the termination of and by a junction with Tramway No. 3 in Milkwood Road and terminating in Thurlow Place at the junction of Park Road which runs along the northern side of Norwood Cemetery.

The herein-before described tramways will pass from through or into and be situate in the parishes of Lambeth and Camberwell or one of them all in the county of Surrey.

For the protection of the vestry of St. Giles Camberwell.

6. For the protection of the vestry of Saint Giles Camberwell (in this section called "the vestry") the following provisions shall have effect and be observed with respect to the construction of Tramway No. 2 in the parish of Saint Giles Camberwell.

(A) The Company shall and will in the next session of Parliament apply for powers to extend the said tramway from its present termination to and so as to form a junction with the existing line of the London Tramways Company in the Camberwell Road and in order that the traffic of the Company and of the London Tramways Company may be worked as a continuous and through traffic the Company shall and will in the next session of Parliament also apply for powers to

authorise the said traffic being so worked and to enable the necessary agreements and arrangements between the two companies to be entered into.

(b) So much of the road between the tramway lines forming the said loop at the northern end of High Street Camberwell and also the roadway extending eighteen inches beyond the external line thereof shall be paved with such material and in such manner as the vestry shall direct at the cost of the Company.

(c) Should it be necessary in the opinion of the surveyor of the vestry to remove the cab shelter and the urinal placed at the northern end of High Street aforesaid or either of them or any other erection under the charge of the vestry for the purpose of making such loop the Company shall and will pay all costs incurred by the vestry in or about such removal or alteration to any other place within one hundred yards of the present position thereof.

(d) No part of the tramways situate in the parish of Saint Giles Camberwell shall be used as a stopping place for the cars other than is required by the traffic of the tramways.

For the protection of the Lambeth vestry.

7. For the protection of the vestry of the parish of Lambeth (in this section called "the Lambeth vestry") the following provisions shall have effect and be observed with respect to the construction of tramways in the parish of Saint Mary Lambeth:—

(a) The Company shall not commence the construction of any of the tramways in the parish of Lambeth until they shall have given to the Lambeth vestry twenty-one days notice in writing of their intention to commence the same either by leaving such notice at or by sending the same through the post in a registered letter addressed to the office of the Lambeth vestry with plans sections and other necessary particulars of the construction of the tramways nor until the Lambeth vestry shall have signified their approval of the same unless the Lambeth vestry fail to signify their approval or their disapproval or to give other directions with regard thereto within twenty-one days after service of the said notice and delivery of the said plans sections and other particulars as aforesaid in which event the Company may proceed forthwith with the works according to the said plans and sections.

(b) As regards all roads in the parish of Saint Mary Lambeth so much of every road whereon any tramway is laid as—(1) lies between the rails of such tramway; (2) lies between the rails of any loop passing-place crossing siding or junction in con-

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nexion with any tramway; (3) lies between the rails of such tramway and any such loop passing-place crossing siding or junction; (4) not being more than four feet in width lies between any two tramways laid by the Company; and (5) extends three feet beyond the rails of and on each side of every tramway loop passing-place crossing siding and junction the existing paving of the carriageway shall be taken up and the carriageway shall be paved by the Company at their own expense with new Guernsey granite cubes of the same dimensions as are now laid down in any street or road in which the tramway shall be so constructed (if any) and if there be no such granite cubes in such roads then with granite cubes three inches by nine inches all such granite cubes to be laid upon a foundation or substructure of Portland cement concrete of such a thickness as shall be approved by the Lambeth vestry and under the superintendence of and with such other usual materials and in the manner required by and to the reasonable satisfaction of the Lambeth vestry or with such other paving foundation or materials as the Lambeth vestry may approve and every portion of such road (including the portions of road to be paved with wood under subsection (E) of this section) shall be deemed to be the portion of the road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the intent and meaning of this Act and the Tramways Act 1870 and the reasonable expense to which the Lambeth vestry may be put on account of such superintendence shall be paid by the Company.

(C) The remainder of the carriageway of every such road shall if so required by the Lambeth vestry be taken up and re-laid by the Company at their own expense with the paving and metal taken up and under the superintendence of and in the manner required by and to the satisfaction of the Lambeth vestry.

(D) In every case where the Company shall construct passing-places not exceeding four chains in length such passing-places shall as far as practicable where required by the Lambeth vestry be laid in the centre of the road and the roadway for the full length of such passing-places shall (in lieu of the portion of road provided for by subsection (B) of this section) be paved by the Company with granite or in cases within subsection (E) of this section with wood for the entire width of the road and with respect to such places the whole width of the road between the footways shall be deemed to be the portion of road which is to be at all times afterwards maintained and kept in

good condition and repair by the Company within the intent and meaning of this Act and the Tramways Act 1870.

(E) At every place where the tramway of the Company passes a church chapel public school or institution the Company shall if desired by the Lambeth vestry pave the road within and between the rails and for three feet on each side with wood including as part of such three feet at the edge of such wood pavement a stretching course of Guernsey granite of similar description to that herein-before provided for.

(F) So much of section 26 of the Tramways Act 1870 as provides that the promoters shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority unless that authority refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the works and that the promoters shall pay all reasonable expenses to which the road authority may be put on account of such superintendence shall extend and apply also to the works (except maintenance and repairs) in the twenty-seventh and twenty-eighth sections of that Act and in the last preceding paragraph of this section referred to.

(G) Any paving metalling or material excavated or displaced by the Company in the construction of the undertaking from any road under the jurisdiction or control of the Lambeth vestry shall be the property of the vestry and the Company shall when and as required deliver all such of the said paving metalling or material as shall not be used in re-laying the remainder of the carriageway as provided in subsection (C) of this section to the surveyor for the time being of the said vestry or to such persons or person as he may appoint to receive the same and at such place not being more than two miles from where the same is excavated as the said surveyor may direct provided that if within seven days after the excavation of any paving metalling or material not required for the purpose of re-laying the carriageway aforesaid the same be not delivered to the surveyor or such person or persons or at such place as aforesaid the Company shall forfeit and pay to the Lambeth vestry a sum not exceeding forty shillings for every day during which the said paving metalling or material is not so delivered and such penalty shall be recoverable by and payable to the Lambeth vestry and shall be a penalty within the meaning of section 56 of the Tramways Act 1870.

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(H) The Company shall at all times with such materials and in such manner as the Lambeth vestry shall direct and to their satisfaction 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 the paving laid down by the Company in pursuance of subsections (B) (D) and (E) aforesaid and if the Company at any time fail to comply with this provision or with any of the provisions of section 28 of the Tramways Act 1870 they shall (without prejudice to the enforcement in any manner of the requirements of this Act or to any other remedy against the Company) be subject to a penalty not exceeding ten pounds for every day on which such act of omission continues after forty-eight hours notice shall have been given to or left at the office of the Company by the clerk or the surveyor for the time being of the Lambeth vestry and such penalty shall be recoverable by and payable to the Lambeth vestry and shall be a penalty within the meaning of section 56 of the said Act. The proviso in section 28 of the Tramways Act 1870 contained empowering the road authority if the Company fail to comply with the provisions of that section after seven days notice to the Company to do the works therein mentioned and recover the expense thereof from the Company shall be read as though forty-eight hours were therein substituted for seven days and as so altered shall extend and apply not only to the works necessary for the repairs and maintenance in that section mentioned but also to the works necessary for the maintenance and repairs in this section provided for.

(I) If and whenever in the opinion of the Lambeth vestry it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways or the roadway in which the same shall be made the Lambeth vestry may without any consent or concurrence on the part of the Company enter upon and interfere with such tramways or roadways after having given except in case of emergency at least one month's previous notice in writing to the Company of their intention so to do and the Company shall during the execution of any such works either suspend the traffic upon such tramway or make provision at their own expense for carrying on the same in a manner satisfactory to the engineer of the Lambeth vestry so as not to interfere with any such work and shall have no claim for compensation against the Lambeth vestry.

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(J) The Company shall not construct such part of Tramway No. 1 shown on the deposited plans as is proposed to be laid between the points of junction of Fentiman Road and the point of junction of Wilcox Road with the South Lambeth Road until the part of such last-mentioned road between Wilcox Road and Wheatsheaf Lane has been widened or improved to the satisfaction of the Lambeth vestry and the Company shall at the time of the commencement of such widening or improvement pay to the Lambeth vestry the sum of one thousand pounds towards the costs of such widening or improvement and the Company shall not be at liberty to construct any part of their works in the South Lambeth Road between Fentiman Road and Wilcox Road until the said sum of one thousand pounds has been paid.

(K) Where the tramways are so laid that a less space than nine feet six inches shall intervene between the outer edge of the rail and the footway and it shall be considered necessary or expedient by the surveyor of the Lambeth vestry in the construction of those tramways that any parts of the footway as existing be thrown into the road then such alteration shall be made and all expenses connected therewith and all expenses incurred in placing the paving of the footway and roadway so altered into proper condition shall be borne and paid by the Company.

(L) Where in any road in the parish of Lambeth in which a double line of tramways is laid there is less width between the outside of the footpath on either side of the street or road and the nearest rail of tramway than nine feet six inches the Company shall and they are hereby required at the request in writing of the Lambeth vestry to construct a passing-place or passing-places connecting the one tramway with the other and by means of such passing-place or passing-places the traffic shall when necessary be diverted from one tramway to another.

(M) If any difference shall arise between the Company and the Lambeth vestry with reference to any of the matters aforesaid the matter in difference shall be determined in the manner provided by section 33 of the Tramways Act 1870 for the settlement of differences between the promoters and any road authority.

For the protection of the London Chatham and

8. In constructing and repairing the tramways or any of them where they are intended to pass under the London Chatham and Dover Railway or between the works of that railway the same shall

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be done under such reasonable superintendence as may be necessary and to the reasonable satisfaction of the principal engineer having the charge of the said railway and works respectively and the cost of such reasonable and necessary superintendence shall be borne and defrayed by the Company Provided always that so far as Tramway No. 3 by this Act authorised will be situate in Milkwood Road nothing in this Act shall extend to prejudice alter or take away any of the rights privileges or powers vested in the London Chatham and Dover Railway Company in relation to the said Milkwood Road or otherwise.

For the protection of School Board for London.

9. For the protection of the School Board for London (in this section referred to as "the board") the following provisions shall be observed and have effect:

1. The Company shall not make or construct any passing-place within a distance of sixty yards from the board school situate in the South Lambeth Road.

2. If in the opinion of the board the passing-place in the Milkwood Road immediately opposite to the end of Lowden Road and within about ninety yards of the Jessop Road board schools prove dangerous to the children attending or using such schools or be found to interfere with the reasonable working of those schools the Company shall at the board's request forthwith do away with such passing-place or remove it to a distance of not less than sixty yards to the south of its present position as shown on the deposited plans.

For the protection of the South-western Railway Company.

10. For the protection of the London and South-western Railway Company (herein-after called "the South-western Company") the following provisions shall apply and have effect;—

(*a*) The rails of Tramway No. 1 by this Act authorised between the northern side of the existing bridge carrying the South-western Railway over the South Lambeth Road (herein-after called "the railway bridge") and the commencement of Tramway No. 1 shall not without the consent of the South-western Company be laid between the points above mentioned nearer to the kerb of the pavement on the eastern side of the South Lambeth Road than eleven feet six inches.

(*b*) In the event of the South-western Company requiring for the repair renewal or widening of the railway bridge to erect scaffolding against any of the abutments or piers or under the superstructure of such bridge they shall be at liberty to do so

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after having given seven days notice in writing to the Company of such their intention and if necessary the Company 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 under the railway bridge in such manner as may be found most convenient to the South-western Company for such repair renewal or widening and the South-western Company so far as may be necessary shall consent to such diversion Provided always that in making such diversion no rail of the tramway shall be so laid that a less space than nine feet six inches shall intervene between the same and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the part of the road where such rail is proposed to be laid shall by writing under his hand addressed to the Company object thereto.

(*c*) The South-western Company may if they deem fit employ a watchman or inspector to watch and inspect Tramway No. 1 during its construction under and within the distance of seven yards on either side of the railway bridge and the wages of such watchman or inspector shall be borne by the Company and be paid by them to the South-western Company and the Company shall indemnify the South-western Company against and compensate them for any injury which by reason of any act neglect or default of the Company may from time to time happen to the property or works of the South-western Company during the construction or working of the said tramway between the southern side of the railway bridge and the commencement thereof.

(*d*) The Company shall not without the consent of the South-western Company stop their tramway cars for the purpose of taking up or setting down passengers between the northern side of the railway bridge and the north-eastern corner of the "Elephant and Castle" public-house in the South Lambeth Road.

As to crossing tramways of London Tramways Company Limited.

11. For protection of the tramways of the London Tramways Company Limited the following provisions shall be observed and have effect:—

1. In the construction of any of the tramways where the same cross the tramways of the London Tramways Company Limited now laid upon the level of any road the Company shall interfere with the tramways of that company at such level crossings only so far as may be necessary for effecting such crossing and the works therefor shall be constructed

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and maintained in accordance with a plan to be agreed upon by the engineers for the time being of the respective companies and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the London Tramways Company Limited unless after seven days notice given by the Company of their intention to commence such works such superintendence is refused or withheld and the rails and substructure of such portions of the tramways as are laid across the rails of that company shall be maintained and kept in efficient repair to the reasonable satisfaction of the engineer for the time being of that company and during such construction the Company shall not stop the traffic upon the tramways of the said company at any such level crossing;

2. If by reason of the execution of any of the said works or by reason of any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their servants any tramways or works of the said company be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense;

3. In the event of any difference arising between the two companies or their respective engineers in relation to any matter under this section the same shall be settled by a referee to be appointed by the Board of Trade in the manner provided by section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Company's cars to give precedence to cars of London Tramways Company Limited.

12. The Company shall not stop or otherwise interfere with or obstruct the traffic of the London Tramways Company Limited at any point where they cross the tramways of that company and whenever cars belonging to both companies shall approach within fifty feet of any such crossing at the same time the car of the Company shall give precedence to the car of the London Tramways Company Limited so approaching and if any dispute arise at any time in the carrying out of this section the same shall be referred to the Board of Trade who shall from time to time make such rules and regulations for settlement of the matters in dispute as they may deem fit.

Restriction on use of bells &c.

13. The Company shall not use or permit to be used any bell or other thing causing noise attached to their carriages horses or harness without the consent in writing under their common seal of the road authority nor shall any such bell or other thing be continued to be used by the Company in any place if after such consent has

been so given the same shall at any time be revoked in writing as aforesaid and the Company shall be liable to a penalty of forty shillings for every day on which they fail to comply with the provisions of this section such penalty to be recoverable by and payable to the road authority and such penalty shall be a penalty within the meaning of section 56 of the Tramways Act 1870.

Company not to use carriages constructed for use on railways.

14. The Company shall not use upon the tramways carriages or trucks constructed for use upon railways.

Capital.

15. The capital of the Company shall be ninety thousand pounds in nine thousand shares of ten pounds each.

Shares not to issue until one-fifth part thereof paid up.

16. The Company shall not issue any share created under the authority of this Act nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

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

Receipt in case of incapacitated persons.

18. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

19. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty-two thousand five hundred pounds and of that sum the Company may borrow twelve thousand five hundred pounds when and so soon as they have issued fifty thousand pounds of capital and they may borrow the remainder of that sum that is to say ten thousand pounds when and so soon as they have issued the remainder of their capital but no part of the said sums of twelve thousand five hundred pounds and ten thousand pounds respectively shall be borrowed until the whole of the respective portion of capital in respect of which the same is 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 respective portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that the same was issued bonâ fide and is held by the persons or corporations to whom

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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.

For appointment of a receiver.

20. 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 two thousand pounds in the whole.

Company not to create debenture stock.

21. The Company shall not create or issue debenture stock.

Short title of Act to be marked on mortgage.

22. Every mortgage granted by the Company shall be marked with the date and short title of the Act under which the same is granted.

Mortgage to comprise purchase money paid on compulsory sale.

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

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

24. Every mortgage deed granted by the Company shall be endorsed with notice that such mortgage will not be a charge upon any or any part of the tramways or the undertaking purchased by any of the local authorities under section 43 of the Tramways Act 1870.

Priority of mortgages.

25. All moneys to be borrowed on mortgage under this Act shall have priority against the Company and 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.

Application of moneys.

26. All moneys raised under this Act whether by shares or borrowing shall be applied to the purposes of this Act only..

First and subsequent ordinary meetings.

27. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held in the month of January in every subsequent year or in such other month in every

subsequent year as the Company by the resolution of an extraordinary general meeting shall from time to time determine.

Quorum for general meetings.

28. The quorum for general meetings of the Company shall be ten shareholders present in person or by proxy holding in the aggregate not less than three thousand pounds nominal value in the capital of the Company.

Number of directors.

29. The number of directors shall be five but the Company may from time to time alter the number provided that the number be never less than three nor more than five.

Qualification of directors.

30. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

31. The quorum for a meeting of directors shall be three whilst their number is five or four and two when their number is three.

First directors.

Election of directors.

32. John Pelton and David Buck Miller and three other persons to be named by them and consenting thereto shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or named as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or named as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for altering the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 contained and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for completion of works.

33. The tramways shall be completed within two years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for constructing the tramways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Deposit money not to be repaid except so far as tramways are opened.

34. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty chapter twenty a sum of three thousand four hundred and eighty-

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four pounds one shilling Consolidated Three Pounds per Centum Annuities being five per centum upon the amount of the estimate in respect of the tramways has been transferred into the court that is to say—the Chancery Division of the High Court of Justice in respect of the application to Parliament for this Act (which sum is in this Act referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the tramways for public traffic; Provided that if within the said period the Company open any portion of the tramways for the public conveyance of passengers then on production of the certificate of the Board of Trade specifying the length of the portions of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the Court shall on the application of the depositors order the said portion of the deposit fund so specified in such certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the Secretary or by an Assistant Secretary of that Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

35. If the Company do not previously to the expiration of the period limited by this Act for the completion of the tramways open them for public traffic then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof and also in compensating any road authority for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authority and in making good all damage caused to such roads by the construction or abandonment of such tramway and

shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund shall have been repaid to the depositors or shall have become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Purchase of lands by agreement. Erection of buildings.

36. The Company may from time to time purchase and acquire by agreement for the purposes of their undertaking and hold any lands they may require not exceeding five acres and they may erect or construct on any such lands or may take on lease any offices stables sheds workshops or other buildings for the purposes of their undertaking.

Power to take easements by agreement.

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

Mode of formation of tramways.

38. Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed with two rails to be approved by the Board of Trade on a gauge of four feet eight and a half inches and shall be laid and maintained in such a manner

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that the uppermost surface of the rail shall be on a level with the surface of the road.

Company to adopt improvements if required by Board of Trade. Rails of tramways.

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

Tramways always to be kept on level of surface of roads.

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

Inspection by Board of Trade.

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

Further provisions as to construction of tramways.

42. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to any road authority of their intention to open or break up any road under the control of such road authority 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 or renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the respective road authority as provided by section 26 of the said Act Provided always that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act 1870 or this Act.

Penalty for not maintaining rails

43. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to

the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with any of the provisions of section 28 of the Tramways Act 1870 they shall for every such offence be subject to a penalty not exceeding five pounds for every day on which such failure continues and such penalty may be recovered in manner provided by section 56 of the said Act. in proper order.

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

Special provision as to penalties for not maintaining tramways in good condition.

44. In addition to any other provisions of this Act the Company shall maintain and keep the tramways in good condition and repair to the satisfaction of the road authority of the district within which such tramways respectively are situate and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and such penalty may be recovered in manner provided by section 56 of the Tramways Act 1870 but by the said road authority only.

Application of road materials excavated in construction of tramways.

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

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or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Passing-places to be constructed where less than a certain width left between footway and tramway.

46. Where in any road in which a double line of tramway is laid there is less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramway than nine feet six inches the Company shall and they are hereby required to construct a passing-place or passing-places connecting the one tramway with the other and by means of such passing-place or passing-places the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional crossings.

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

Temporary tramways may be made when necessary.

48. 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 shall in the opinion of the road authority having the control of such road be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company shall within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor discontinue or take up such tramway for such term as may be

necessary for the execution of the said work Provided that the Company may subject to such conditions and in accordance and in all respects with such regulations as the road authority may from time to time make construct on the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued If any difference arises between the Company and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

Sewer authority to have access to sewers.

49. Every sewer authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains and pipes to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Traffic to be suspended during works of drainage.

50. If and whenever in the opinion of the Metropolitan Board of Works it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain within the metropolitan area to interfere with any of the tramways of the Company or the roadway in which the same shall be made the said Board may without any consent or concurrence on the part of the Company enter upon and interfere with such tramways or roadway after having given except in the case of emergency at least one month's previous notice in writing to the Company of their intention so to do and the Company shall during the execution of any such works either suspend the traffic upon such tramway or make provision at their own expense for carrying on the same in a manner satisfactory to the engineer of the said Board so as not to interfere with any such work and shall have no claim for compensation against the said Board in respect thereof.

Agreements between the Company and road authorities.

51. The Company may subject to the provisions of this Act from time to time enter into agreement with any road authority with respect to the construction maintaining removing renewing repairing and using of the tramways situate within the district of such road authority and the rails plates chairs sleepers and works connected therewith and the facilitating of the traffic over the same.

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Tolls for passengers.

52. The Company may demand and take for every passenger travelling upon the tramways or any part thereof including the use of the tramways and of the carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile and in computing the said tolls or charges a fraction of a mile beyond one mile or an integral number of miles shall be deemed a mile but for any less distance than two miles any tolls or charges not exceeding twopence may be charged.

Passengers luggage.

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

Charges for parcels.

54. The Company may demand and take for every parcel conveyed by them on the tramways any sum not exceeding the following (that is to say):—

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence;

For any parcel exceeding fifty-six pounds but not exceeding one hundredweight in weight such sum as the Company may think fit.

List of tolls to be exhibited.

55. A list of the tolls and charges by this Act authorised to be taken for passengers including therein the cheap fares for the labouring classes and which shall be charged by the Company from time to time shall be exhibited in a conspicuous place inside each of the carriages used upon any of their tramways.

Company not to carry goods and animals.

56. The tramways may be used for the carriage of passengers and parcels but the Company shall not be bound to carry passengers luggage exceeding the weight herein-before mentioned or parcels and they shall not carry animals or goods.

As to mode &c. of payment of tolls.

57. The tolls and charges by this Act authorised shall be paid at such times and places and to such persons upon or near to the tramways and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of tolls and charges appoint.

Periodical revision of tolls.

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

Cheap fares for labouring classes.

59. The Company at all times after the opening of the tramways or any part thereof for public traffic shall and they are hereby required to run two carriages at least each way every morning in the week and every evening in the week (Sunday Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the road authorities think most convenient for artizans mechanics and daily labourers at fares not exceeding one halfpenny per mile the Company nevertheless not being required to take any fare less than one penny and the Company shall be liable to a penalty not exceeding five pounds for every day except as aforesaid on which they do not run any such carriage as aforesaid in accordance with the provisions of this section such penalty to be payable to and recoverable by the road authority Provided always that the Company shall not be liable to any such penalty if the failure to run any such carriage as aforesaid arises from any act of a road authority or their officers or circumstances over which the Company have no control Provided also that in case of any complaint made to the Board of Trade of the hours appointed by

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the road authority for the running of such carriages the said Board shall have power to fix and regulate the same from time to time Provided also that any difference between the Company and the road authorities as to the number of carriages to be run or the hours of running such carriages under the provisions of this section shall be determined by the Board of Trade.

Provision as to arbitration.

60. 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 17 & 18 Vict. c. 125. Common Law Procedure Act 1854 shall apply in every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

61. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect namely:—

1. Every notice shall be in writing or print including lithograph or partly in writing and partly in print and if given by the local or road authority shall be sufficiently authenticated by being signed by their clerk.
2. Any notice to be delivered by or to the Company to or by the local or road authority may be delivered by being left at the principal office of the local or road authority or of the Company as the case may be or by being sent by post in a registered letter addressed to their respective clerk at their principal office or to such other office as the local or road authority or the Company as the case may be may from time to time by notice to the other request that such notices may be sent or delivered and every such letter shall be deemed to be received by the local or road authority or by the Company as the case may be on the day on which the same ought to be delivered at their principal or other office as aforesaid in the ordinary course of post.

Interest not to be paid on calls paid up.

62. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

63. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application

to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking. A.D. 1882.

Provision as general Tramway Acts.

64. Nothing in this Act contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act.

Saving rights of Metropolitan Board of Works to stop up streets. 18 & 19 Vict. c. 120.

65. Nothing in this Act contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges conferred upon the Metropolitan Board of Works by the Metropolis Management Act 1855 or any other Act relating to that Board as to stopping for public traffic any road or street under the jurisdiction of that Board for the purpose of constructing repairing and maintaining the sewers along or under any such road or street.

Costs of Act.

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

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