# CHAPTER clvi.

An Act to authorise the construction of the Norwood District Tramways in the county of Surrey; and for other purposes. [24th July 1882.] A.D. 1882.

WHEREAS the laying down of tramways in certain streets and roads in the parish of Croydon in the county of Surrey would be of local and public advantage:

And whereas the several persons herein-after named in that behalf are with others willing at their own expense to construct and maintain the tramways herein-after mentioned 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 it is expedient that the Company by this Act incorporated and the Croydon Tramways Company should be authorised to enter into contracts and agreements for the working use management and maintenance of their respective tramways and that the Company should be empowered to work their tramways by steam or other mechanical power in manner in this Act provided:

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

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

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

**1.** This Act may be cited for all purposes as the Norwood District Tramways Act 1882. Short title.

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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.

**2.** The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 (except the provisions thereof with respect to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and
33 & 34 Vict. c. 78. Parts II. and III. of the Tramways Act 1870 so far as the same respectively are applicable to and not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act and shall apply to the undertaking of the Company.

Interpretation clause.

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

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

The expression "the tramways" means the tramways and works connected therewith by this Act authorised to be made;

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

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

Incorporation of Company.

**4.** Patrick Carnegy, Reuben Glasgow Kestin, Charles Philips, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a Company for the purpose of making and maintaining the tramways herein-after described and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Norwood

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District Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make tramways according to deposited plans.

**5.** Subject to the provisions of this Act and of the incorporated provisions of the Tramways Act 1870 the Company may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are:—

Tramway No. 1 (a single line except at the passing-places next herein-after described where it may be a double line) 3 furlongs and 8·7 chains in length commencing by a junction with Tramway No. 1 authorised by the Croydon Street Tramways (Extensions) Order 1880 confirmed by the Tramways Orders Confirmation (No. 1) Act 1880 at a point in High Street New Thornton Heath 2·5 chains or thereabouts from the junction of that street with Whitehorse Road thence crossing the Grange Road passing along Whitehorse Lane and Clifton Road and terminating in Selhurst Road 0·75 chain north-east of the junction of that road with Clifton Road;

43 & 44 Vict. c. clxxii.

A passing-place in Whitehorse Lane between points respectively 2 chains and 5 chains from the junction of that lane with Whitehorse Road;

A passing-place in Clifton Road between points respectively 0·8 chain and 3·8 chains north-west of the junction of that road with Holmesdale Road;

Tramway No. 1A (a single line) 2 chains in length commencing by a junction with the said authorised Tramway No. 1 at a point in Whitehorse Road 0·6 chain from the junction of that road with Whitehorse Lane and terminating in Whitehorse Lane by a junction with Tramway No. 1 2 chains from the point of commencement of the tramway now in description;

Tramway No. 1b (a single line) 1·5 chains in length commencing by a junction with Tramway No. 1 at a point in Clifton Road 0·75 chain from the junction of that road with Selhurst Road and terminating at a point in the Selhurst Road 0·75 chain from the same junction;

Tramway No. 2 (a single line except at the passing-places next herein-after described where it may be a double line) 5 furlongs

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41 & 42 Vict. c. ccxxiv.

and 4·4 chains in length commencing by a junction with the existing Tramway No. 4 authorised by the Croydon Tramways Act 1878 at a point in the Selhurst Road opposite or near to the junction of that road with Princess Road and Dagnall Park and terminating at High Street South Norwood at the junction of that street with Portland Road;

A passing-place in Selhurst Road between points respectively 1·5 chains and 4·5 chains north-east of the junction of that road with Upper Grove;

A passing-place between a point in the High Street South Norwood 0·75 chain and a point in Selhurst Road 0·75 chain from the junction of that street and road;

Tramway No. 3 (a single line except at the passing-places next herein-after described where it may be a double line) 3 furlongs and 6·75 chains in length (being part of Tramway No. 3 as shown on the deposited plans and sections) commencing at the point of termination of Tramway No. 2 and terminating in Croydon Road otherwise known as Penge Road but herein-after referred to as Croydon Road at the point of junction of the parish of Croydon and the hamlet of Penge;

A passing-place in High Street South Norwood between points respectively 1 chain and 4 chains from the point of commencement of Tramway No. 3;

A passing-place in Croydon Road between a point opposite Sunnybank Road and a point 2·2 chains or thereabouts south-west of the junction of Croydon Road with Harcourt Road;

Tramway No. 6 (a single line except at the passing-places next herein-after described where it may be a double line) 6 furlongs and 8 chains in length commencing by a junction with Tramway No. 2 in High Street South Norwood at a point 1 chain south-west of the junction of that street with Portland Road and terminating in Portland Road at the termination of that road near Saint Luke's Church Woodside;

A passing-place in Portland Road between points respectively 3 chains and 6 chains north-west of the junction of that road with Harrington Road;

A passing-place in Portland Road between points respectively 0·5 chain and 3·5 chains south-east of the junction of Portland Road with Enmore Road;

A passing-place in Portland Road between the point of termination of Tramway No. 6 and 5 chains from that point measured along that tramway;

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Tramway No 6A (a single line) 1·5 chains in length or thereabouts commencing in High Street South Norwood at a point 1 chain north-east of the junction of that street with Portland Road and terminating in Portland Road 1 chain from that junction;

Tramway No. 7 (a single line except at the passing-places next herein-after described where it may be a double line) 1 mile 1 furlong and 9 chains in length commencing by a junction with Tramway No. 6 at its point of termination and terminating in Lower Addiscombe Road Croydon by a junction with Tramway No. 2 authorised by the Croydon Street Tramways (Extensions) Order 1880 confirmed by the Tramways Orders Confirmation (No. 1) Act 1880 at the point of termination of that tramway;

A passing-place in Spring Lane between the point of commencement of Tramway No. 7 and 3 chains from that point;

A passing-place in Lower Addiscombe Road between points respectively 1·3 chains and 5·3 chains from the junction of that road with Spring Lane;

A passing-place in Lower Addiscombe Road between points respectively 0·8 chain and 4·8 chains north-east of the south-west corner of the Black Horse Inn.

A passing-place in Lower Addiscombe Road between points respectively 2·1 chains and 5·1 chains north-east of the junction of that road with Ashburton Road;

A passing-place in Lower Addiscombe Road between the point of termination of Tramway No. 7 and 1·5 chains from that point;

Tramway No. 8 (a single line except at the passing-places next herein-after described where it may be a double line) 4 furlongs and 5·3 chains in length commencing at a point in Lower Addiscombe Road Croydon 1·2 chains south-west from the junction of that road with Stroud Green Road and terminating in Stroud Green Road at a point 0·3 chain from the junction of that road with Addiscombe Road;

A passing-place in Stroud Green Road between points respectively 2·1 chains and 5·7 chains north-west of the junction of that road with a road leading to Croydon Race Course;

A passing place in Stroud Green Road between the point of termination of the intended Tramway No. 8 and 3 chains from that point of termination;

Tramway No. 8A (a single line) 2·2 chains in length commencing in Lower Addiscombe Road Croydon at a point 1·2 chains from the junction of that road with Stroud Green Road and

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terminating in Stroud Green Road at a point 1 5/5 chains from the same junction;

All the tramways hereby authorised will be situate in the parish of Croydon in the county of Surrey.

Protecting bridges over London, Brighton and South Coast Railway.

**6.** Wheresoever the tramway is intended to be constructed upon a bridge carrying a road over a railway belonging to the London Brighton and South Coast Railway Company the following provisions shall apply:—

(*a*) The Company shall give 14 days notice in writing to the railway company of the intention to commence the construction of the tramway and shall at the same time send sufficient specifications or other information to show the nature of the interference with the bridge.

(*b*) If the engineer of the railway company shall be of opinion that the mode of constructing the tramway will render the bridge insecure or injure it and no method is agreed on of constructing the tramway to the satisfaction of the said engineer the matter shall be referred to some engineer to be agreed upon between the parties or if they cannot agree to be appointed by the Board of Trade and the award of such referee shall be binding on both parties.

(*c*) The works on the bridge shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the railway company and shall be maintained by the Company and any variation thereof shall be subject to the same restrictions as are herein-before provided with respect to the original works.

(*d*) All expenses in the maintenance of the tramways on the bridge and approaches thereto and also any additional expense in the maintenance by the railway company of the bridge or of the roadway on the same or of the approaches thereto occasioned by the construction use or maintenance of the tramway shall be borne by the Company.

Capital.

**7.** The capital of the Company shall be forty-eight thousand pounds in four thousand eight hundred shares of ten pounds each.

Shares not to be issued until one fifth paid.

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

Calls.

**9.** One fifth of the amount of a share shall be the greatest amount of a call and three 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 clause in case of persons not sui juris.

**10.** If any money be 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.

**11.** The Company may from time to time borrow on mortgage any sum not exceeding in the whole twelve thousand pounds but no part thereof shall be borrowed until the whole capital of forty-eight thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in that capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that the capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that those 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.

**12.** 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 one thousand pounds in the whole.

Mortgages to comprise purchase money paid on compulsory sale.

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

Indorsement of notice of power of future pur-

**14.** Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not

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Purchase by the local authority.

be a charge upon the tramways or the tramway undertaking in the event of their being purchased by the local authority under section 43 of the Tramways Act 1870.

Company not to create debenture stock.

**15.** The Company shall not create debenture stock.

Application of moneys.

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

First ordinary meeting.

**17.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

**18.** The number of directors shall be five but the Company may from time to time reduce that number provided that it be not less than three.

Qualification of directors.

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

Quorum.

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

First directors.

**21.** Patrick Carnegy, Reuben Glasgow Kestin, Charles Philips and two other persons to be named by them or the majority of them and consenting to such nomination 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 nominated 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 nominated 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 reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Purchase of lands by agreement.

**22.** The Company may from time to time purchase and acquire by agreement and hold such lands as they may require for their undertaking not exceeding in the whole five acres.

Company may erect or lease offices, stablings, &c.

**23.** The Company may erect on any lands they may acquire under the powers of this Act or they may take on lease any offices stables sheds workshops or other buildings yards works and conveniences for the purposes of their undertaking.

Company may acquire easements, &c., by agreement.

**24.** Persons empowered by the Lands Clauses Consolidation Acts 1845 1860 and 1869 to sell and convey or release lands may if they think fit subject to the provisions of the said Acts and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

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

**25.** Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 one thousand six hundred and fifty-nine pounds Consolidated Three Pounds per Cent. Annuities being equal to 5 per cent. upon the amount of the estimate in respect of the tramways proposed to be authorised by the Bill for this Act as introduced into Parliament has been transferred to the account of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act. And whereas certain of the tramways so proposed to be authorised were struck out of the Bill during its progress through Parliament. And whereas one thousand three hundred and four pounds Consolidated Three Pounds per Cent. Annuities part of the said one thousand six hundred and fifty-nine pounds Consolidated Three Pounds per Cent. Annuities represents five per cent. upon the estimate of expense of the tramways by this Act authorised to be constructed and 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 same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the

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

Application of deposit.

**26.** If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof and also in compensating all road authorities 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 authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the

creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as 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. A.D. 1882.

Period for completion of works.

**27.** 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 executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Further provision as to construction of tramways.

**28.** In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing 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 Company shall not commence the construction laying down maintenance and 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 have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act: 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.

Mode of formation of tramways.

**29.** 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 that the uppermost surface of the rail shall be on a level with the surface of the street or road.

Company may be required to use improved form of rail.

**30.** The Board of Trade may from time to time upon the application of the local authority or road authority require the Company to adopt and apply such improvements in the tramways including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all

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reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying into effect any such improvements.

For protection of the Croydon Local Board.

**31.** For the protection of the local board of health for the district of Croydon (herein-after called "the local board") the following provisions shall have effect and be applicable in the case of every tramway by this Act authorised so far as the same is to be laid upon along or across any public street or road within the district of the local board that is to say :—

(1) The position of the rails shall (but subject always to the provisions of this Act) be defined and settled by the local board and no rails shall be laid along or upon any street or roadway in any other position than such as shall have been approved of in writing by the local board that approval to be authenticated by the signature of their clerk to a plan showing the intended position of the rails;

(2) The whole space between the rails and for a distance of 18 inches beyond each external rail and the whole space between the two lines where the tramway is double shall be paved by the Company to the satisfaction of the local board with wood or other paving to be approved of by the local board and shall at all times be kept in good repair by the Company;

(3) The Company shall within fourteen days from the passing of this Act pay to the local board all the costs charges and expenses incurred by the local board by or in consequence of the application to Parliament for the Bill for this Act and incurred by the local board in the negotiations with respect or in relation to the proposed tramways and shall also pay to the local board all costs charges and expenses which the local board may from time to time incur by or in consequence of the making of the intended tramways.

Inspection by Board of Trade.

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

Tramways to be kept on a level with surface of roads.

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

Penalty for not maintaining rails

**34.** 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

and road in good condition.

the ordinary traffic on any road the rails of the tramways and the substructure on which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a Secretary or an Assistant Secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Sewer authority to have access to sewers.

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

Power to make additional crossings, &c.

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

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Application of road materials excavated in construction of works.

**37.** Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after 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 by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person 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 a 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.

Temporary tramways.

**38.** Where by reason of the execution of any work affecting the surface or soil of the road along which any tramway is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company shall within fourteen days of receiving an order in writing from any road authority under the hand of their clerk or secretary 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 with the sanction of the road authority and subject to such conditions and in accordance in all respects with such regulations as they the said road authority may from time to time make or prescribe 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 a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued to be used. If any difference arise between the Company and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways

under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in that section mentioned.

Carriages may be moved by animal, steam, or mechanical power.

**39.** The carriages used on the tramways may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as that Board may from time to time specify in any order to be signed by a Secretary or Assistant Secretary to that Board by steam power or any mechanical power. Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways.

Penalty for using steam or mechanical power contrary to Act or regulations.

**40.** The Company or any other company or person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always that whether any penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using steam or any mechanical power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the schedule to this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person as aforesaid to cease to exercise the powers aforesaid and thereupon the Company or other company or person so directed shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of their order.

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Byelaws.

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

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

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

Penalty for breach of byelaws.

**42.** 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.

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

Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

**44.** The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways under the authority of this Act but the local authority 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 prescribed.

Orders and byelaws.

**45.** All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a Secretary or an Assistant Secretary of that Board.

Where steam or mechanical power is used contracts with road authority not to be for longer than two years at a time.

**46.** Where steam or any mechanical power is used by the Company or any other company or person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or any mechanical power as aforesaid with respect to the user by the Company or such other company or persons as aforesaid or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which the tramways or part of the tramways are or is laid or with respect to the payment by the Company or such other company or person as aforesaid to the road authority of any annual or other sum in relation to the user paving and keeping in repair of the road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid or the making of the contract agreement or arrangement: Provided always that any contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

As to contracts with road authorities where steam or mechanical power is to be used.

**47.** Where the Company or any other company or person intend to use steam or any mechanical power under the authority of this Act on the tramways or any part thereof they or he shall give two months previous notice of their or his intention to every road authority within whose district the tramways or any part thereof upon which they or he intend to use such power are or is situated.

Where at the time of the giving of the notice any contract agreement or arrangement is in force with respect to the user by the Company or other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of the road authority upon which the tramways or part of the tramways are or is laid or with respect to the payment by the Company or other company or person to the road authority of any annual or other sum in relation to the user paving and keeping in repair of the road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or other company or person by notice or for the road authority by notice to be served upon the Company or other company or person not later than forty days after the receipt by the road authority of the first-mentioned notice to determine the contract agreement or arrangement and thereupon the contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon the tramways or any part thereof be determined and of no effect.

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Before using steam or any mechanical power on the tramways or any part thereof and thereafter from time to time the Company or such other company or person as aforesaid and the road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of the road authority upon which the tramways or part of the tramways are or is laid or with respect to the payment by the Company or other company or person to the road authority of any annual or other sum in relation to the user paving and keeping in repair of the road which they may think fit and the Board of Trade may approve.

In case any difference arise between any road authority and the Company or such other company or person as aforesaid as to the determination of any contract agreement or arrangement or in case the road authority after request in writing by the Company or other company or person or the Company or other company or person after request in writing by any road authority during a period of one month after that request refuse or fail to enter into any contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every case the difference with respect to the determination or the reasonableness of the refusal or failure or the terms of the contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company and any road authority and thereupon the parties shall in all respects conform to that determination and make and observe any contract agreement or arrangement thereby prescribed: Provided always that while any appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which the appeal relates.

No steam or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force in relation to the tramways or portion of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by the

road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramways are laid.

Tolls for passengers.

**48.** The Company may demand and take for every passenger travelling upon any of the tramways or any part or parts thereof respectively including tolls for the use of the tramways and of 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 and charges the fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than threepence.

Passengers luggage.

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

Small parcels.

**50.** The Company may demand and take for every parcel conveyed by them on the tramways any sums not exceeding the following:—

For every parcel not exceeding seven pounds in weight threepence;

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

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

For every parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence.

Company not bound to carry goods.

**51.** The Company shall not be bound to carry passengers luggage exceeding the weight in this Act in that behalf mentioned nor any parcel and shall not carry animals or any goods exceeding the weight before mentioned.

Cheap fares for labouring classes.

**52.** The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Company think

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most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages as aforesaid that Board shall have power to fix and regulate the same from time to time.

Periodical revision of tolls.

**53.** 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 portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any 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 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 the referee report that it has been proved to his satisfaction that all or any of the tolls and charges should be revised that 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 portion of the tramways in such manner as they think fit and thenceforth that 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 order shall not exceed in amount the tolls and charges by this Act authorised.

Agreements between the Company and the Croydon tramways Company 26 & 27 Vict. c. 92.

**54.** The Company on the one hand and the Croydon Tramways Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 which shall apply as if the Company and the Croydon Tramways Company were railway companies from time to time enter into agreements with respect to the working use management and maintenance of the tramways of those companies or any one or more of them or any part or parts of them respectively.

Use of steam or mechanical power on

**55.** Carriages used by the Company on the tramways of the Croydon Tramways Company under any agreement between the Company and the Croydon Tramways Company may with the consent

of the Board of Trade be moved by steam or any mechanical power during a period of seven years from the time of that consent being given and with the like consent during such further periods not exceeding seven years as that Board may from time to time specify in any order to be made by that Board. Provided always that the provisions restrictions penalties and regulations relating to the use of steam or any mechanical power contained and prescribed in this Act and in the schedule to this Act shall apply mutatis mutandis to the Company where using steam or any mechanical power on the tramways of the Croydon Tramways Company.

tramways of Croydon Tramways Company.

Form and delivery of notices.

**56.** With respect to the notices to be given by or to the Company 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 or partly in writing and partly in print and if given by any local authority or any road authority shall be sufficiently authenticated by being signed by their clerk or secretary ;

(2.) Any notice to be delivered by or to the Company to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of that authority body or company or of the Company (as the case may be) or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office.

Interest not to be paid on calls paid up.

**57.** 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.

**58.** 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 tramways or to execute any other work or undertaking.

Tramways not exempt from provisions of present and

**59.** Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or

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future general Acts.

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.

Expenses of Act.

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

## The SCHEDULE referred to in the foregoing Act.

### BREAK POWER OF ENGINES.

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

### AS TO FITTINGS OF ENGINES, &c.

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

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

With a suitable fender to push aside obstructions;

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

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

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

### AS TO CARRIAGES.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance

to exit from and accommodation in such carriage and the protection of passengers from the machinery of any engine used for drawing or propelling such carriage.

### Inspection of Engines and Carriages.

The Board of Trade shall on the application of the local authority and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

### As to Speed.

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

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

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