CHAPTER cxlvii.

An Act for making Tramways in the parishes of Greenwich Lewisham and St. Paul Deptford in the county of Kent; and for other purposes. [14th July 1884.]

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WHEREAS the construction of certain tramways in the parishes of Greenwich Lewisham and St. Paul Deptford in the county of Kent would be of local and public advantage:

And whereas the persons hereinafter named with others are willing at their own expense to construct and maintain the said tramways on being incorporated into a company for the purpose:

And whereas plans and sections showing the lines and levels of the tramways and works authorized by this Act and also books of reference to those plans have been duly deposited with the clerk of the peace for the county of Kent and those plans sections and books of reference are hereinafter respectively referred to as the deposited plans sections and books of reference:

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

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

Short title.

1. This Act may be cited for all purposes as the South East Metropolitan Tramways Act 1884.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Part I (relating to the 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 of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by

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agreement and with respect to the entry upon lands by the promoters of the undertaking) and section three (interpretation of terms) section nineteen (local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870 so far as the same 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 of terms.

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

Company incorporated.

4. Anthony Boiston Frank O'Shaughnessy and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the tramways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the South East Metropolitan Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make tramways.

5. Subject to the provisions of this Act and of Parts II and III of the Tramways Act 1870 the Company may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections and with all proper rails plates works and conveniences

connected therewith The tramways hereinbefore referred to and authorized by this Act are situate wholly in the county of Kent and are—

Tramway (No. 2 on the deposited plans) of which six furlongs 5·90 chains will be single line and two furlongs 6·90 chains will be double line situate wholly in the parishes of Greenwich and Lewisham commencing in the parish of Greenwich in South Street at a point forty links south of the drinking fountain at the junction of South Street with London Street Greenwich passing thence in a southerly direction along South Street Lewisham Road and High Street Lewisham and terminating in the parish of Lewisham in the said High Street at a point five chains north of the northern side of Avenue Road:

Tramway (No. 3 on the deposited plans) double line 2·40 chains in length wholly in the parish of Lewisham commencing by a junction with Tramway No. 2 at a point four chains north of the northern side of Rennell Street being situate partly in High Street and partly in Loampit Vale and terminating at a point 1·40 chains east of the eastern side of Molesworth Street:

Tramway (No. 4 on the deposited plans) of which seven furlongs 9·30 chains will be single line and two furlongs 4·10 chains double line wholly in the parish of Lewisham commencing at the termination of Tramway No. 2 passing in a southward direction through High Street Lewisham and Broadway and terminating at a point 2·1 chains south of the southern end of the drinking trough in front of the Black Horse Inn.

Deposit fund.

6. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of nine hundred pounds being equal to five per centum upon the amount of the estimate in respect of the tramways proposed to be authorized by the Bill for this Act as originally introduced into Parliament has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act And whereas the tramways so proposed as aforesaid included certain tramways which were struck out of the said Bill during its progress through Parliament And whereas the estimate for the tramways by this Act authorized amounts to nine thousand five hundred and forty pounds five per centum upon which sum is equal to four hundred and seventy-seven pounds Be it enacted notwithstanding anything contained in the said Act that of the said sum of nine hundred pounds so deposited as aforesaid in respect of the application for this Act the sum of four hundred and seventy-

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seven pounds (which sum is referred to in this Act as the deposit fund) shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorized the Court shall on the application of the depositors 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.

7. 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 hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of balance of money deposited.

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

Further provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six 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 constructing 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 twenty-six of the said Act but with regard to the tramways hereinbefore

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authorized to be constructed within the district of the board of works for the Greenwich District section twenty-seven subsection three of the Tramways Act 1870 shall be read and construed as if the words "six months" in such subsection had been omitted and the words "twelve months" inserted instead thereof.

Mode of formation of tramways.

10. 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 used improved form of rail.

11. 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 situated 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 into effect any such improvements.

Inspection by Board of Trade.

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

Tramways to be kept on level of surface of road.

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

Penalty for not maintaining rails and roads.

14. 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 by this Act authorized and of all other tramways of the Company and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section twenty-eight of the Tramways Act 1870 they shall in respect of 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 fifty-six of

the said Act In any case in which 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 twenty-eight 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.

15. In addition to any other provisions of this Act the Company shall maintain and keep the tramways by this Act authorized and all other tramways belonging to the Company in good condition and repair to the satisfaction of the road authority of the district within which such tramways respectively are or may be 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 the said section fifty-six of the Tramways Act 1870 but by the said road authority only.

Traffic to be suspended during works of drainage.

16. 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 to interfere with any of the tramways of the Company constructed under this or any other Act 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 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.

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Local sanitary and sewer authorities to have access to sewers.

17. Every local or sewer authority and 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 such local or sewer or sanitary authority as if the same were a pipe for the supply of gas or water.

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

18. The Company may subject to the provisions of this Act with the consent of the local 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 authorized by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage houses or works of the Company provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Temporary tramways may be made when necessary.

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

Application of road materials

20. Any paving metalling or material excavated by the Company in the construction of the undertaking from any road within the

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district of the board of works for the Greenwich District may be applied by the Company so far as may be necessary in making the foundation for the tramway and so far as the same is approved by the road surveyor for the time being to the said board in the reinstating of the road and the surplus paving metalling or material not so used or approved as aforesaid shall be delivered to such surveyor or to such person or persons as he may appoint to receive the same Provided that if within seven days after the excavation of any such paving metalling or material and notice duly given the same is not removed by such surveyor or by some other person or persons named by him for that purpose such 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 the board 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.

excavated in construction of works within jurisdiction of Greenwich DistrictBoard of Works.

21. Any alteration repair or improvement of any of the bridges or roads repairable by the inhabitants of the county of Kent or of any parish or other district therein or of or in the position of the same may be made as if this Act had not passed and if any such alteration repair or improvement necessitates or renders expedient in the opinion of the justices of the county of Kent in their annual general sessions or in their court of quarter sessions assembled or in the opinion of the county surveyor employed to carry out any such alteration repair or improvement any alteration either temporary or permanent in the level or position of any of the works by this Act authorized to be made in over or through any of the bridges or roads aforesaid or necessitates or renders expedient in such opinion any support either temporary or permanent to any such works the Company shall after fourteen days' notice in writing by the county surveyor on behalf of the justices forthwith make such alteration or afford such support at their own expense:

Works not to prevent improvement of county roads and bridges.

And if the Company shall not forthwith comply with such notice it shall be lawful for the justices of the said county if they think fit to do the necessary work and to recover the expense from the Company:

And if through any alteration improvement or repair of any of the said bridges or roads the working of the works of the Company is interrupted or stopped neither the inhabitants of the said county nor the justices of the same nor any of them shall be responsible to the Company or to any one for any loss damage or inconvenience occasioned by such stoppage or interruption.

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For the protection of the board of works for the Lewisham District.

22. For the protection of the board of works for the Lewisham District (in this section called "the district board") the following provisions shall have effect with respect to such of the tramways as are to be laid upon along or across any street or road within the said district (that is to say):—

1. The position of the rails shall (but subject always to the provisions of this Act and the regulations of the Board of Trade) be defined and settled by the district board and no rails shall be laid along upon or across any street or roadway in any other position than such as shall have been approved of in writing by the district board:

2. The rails to be used for all such tramways as aforesaid shall be of such description as the district board shall direct and the tramways and rails shall be constructed in such mode and of such material and the rails shall be of such size as the district board shall approve and in the event of any rails or tramways other than those prescribed being laid or any other construction than that prescribed being adopted the district board may if they think fit take up the rails and tramways laid along any street where such default as aforesaid has been made:

3. The whole space between the rails and for a distance of eighteen 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 district board with such paving as may be approved of by the district board and shall at all times be kept in good repair by the Company:

4. The Company shall as they make and construct the said tramways hereby authorized to be laid re-level and re-make to the satisfaction of the surveyor of the district board the whole width of the road along across or over which such tramways or any of them are laid:

5 The Company shall if required by the district board lay with granite wood or such other material as the district board shall select upon a bed of cement or lime concrete (at the option of the board) not less than six inches deep the whole width of the street or road from kerb to kerb for the length of every passing place where a less width than nine feet six inches is left between the outside rail and the kerb and for such lengths (and if necessary the whole length) as the district board may from time to time consider necessary and proper of both sides of the hill on the road called

Lewisham Road S.E. and the provisions of section twenty-eight of the Tramways Act 1870 with reference to the repairs by the Company of parts of the road along which the tramways are laid shall extend and apply to the whole width of the parts of streets and roads so laid as aforesaid:

6. The Company shall also maintain and repair all the roads and streets along upon or across which shall be laid any of the tramways by this Act authorized to be laid for the full width thereof between the kerbs Provided that where such tramway crosses any road or street the Company shall only be bound to repair and maintain of such road or street so crossed a width equal to the width of the road between the kerbs along which such tramway is laid Such roads and streets shall be maintained and repaired in granite macadam (with all proper channelling) or in such other material and way as the district board may direct and to the satisfaction of the surveyor of the district board and in the event of the Company failing so to repair and maintain such roads and streets or any of them to such satisfaction as aforesaid then the district board may repair and maintain the same and the Company shall from time to time on demand pay to the district board the expenses of so repairing and maintaining such roads and streets the amount of such expenses to be determined by the certificate of the surveyor of the district board and the provisions of section twenty-eight of the Tramways Act 1870 with reference to the repairs by the Company of parts of the road along which the tramways are laid shall extend and apply to the whole width of such roads but the district board shall unless such repair be urgent give to the Company twenty-four hours' previous notice in writing of the want of repair of any such road or street:

7. If at any time after the opening of the tramways in any street or road in the said district the streets or roads are not maintained in an efficient state of repair as hereinbefore provided the Company shall forfeit and pay to the district board the sum of fifty pounds as liquidated damages but if any dispute arises with respect to the efficiency of such repair the question shall be referred to an umpire to be appointed by the Board of Trade who in his award shall state if such road or roads are not efficiently repaired by the Company and in such case shall state in what respect

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such road or roads are not so repaired and shall fix a definite time for such repairs to be made and thereupon the Company shall forfeit and pay to the district board the sum of one hundred pounds and if within the time so fixed as aforesaid the Company shall not so repair such road or parts of roads to the satisfaction of the surveyor of the district board then the Company shall forfeit to the district board the sum of five pounds per day for every day during which such repairs or any of them shall not be carried out The cost of and occasioned by such arbitration shall be in the discretion of the umpire:

8. The district board may remove at the sole cost in all respects of the Company any man-hole ventilator or other communication with any sewer which is situate under that part of any road which the Company are by section twenty-eight of the Tramways Act 1870 or this Act required to maintain and repair and may at the like cost reconstruct and relay any such man-hole ventilator and other communication respectively in other parts of the said road:

9. The district board may whenever it is necessary or proper to take up or remove any part of the tramway or paving for the purpose of laying or constructing any new sewer or drain or repairing or inspecting any old sewer or drain give notice to the Company and they shall thereupon be entitled to take up and remove the said tramway and paving at the sole expense of the Company who shall when the works are finished forthwith relay and form the said tramway and paving:

10. The district board may cleanse every street and road in which any tramway is laid without reference to the tramways but whatever cleansing owing to snow filth or other matters impeding the traffic is requisite for the proper working the tramways shall be executed by and at the risk of the Company who shall remove the snow filth or other matter from off the road forthwith and not place it on any other part of the road:

11. All paving metalling and other materials excavated or taken up by the Company in the construction of any of the tramways in the said district shall remain the property of the district board and all such paving metalling and other materials (except such earth or other useless material as the surveyor shall give written notice to the Company that he does not require) as and when removed shall be deposited

or stored apart from other materials in such place as the surveyor to the district board may consent to except that the Company shall be entitled to use all such materials as aforesaid for the purpose of making and repairing the said tramways and road so to be kept in repair by the Company as aforesaid:

12. The district board may from time to time make rescind alter or repeal bye-laws and regulations for further securing the public safety and regulating the traffic on the roads traversed by such tramways also as to the construction and condition of carriages to be used thereon and as to the mode in which the drivers shall notify their approach or proximity to other vehicles on the road and may also by such bye-laws fix a minimum number of carriages that shall be daily run on the tramways and sections thereof but such minimum shall not be more than a sufficient number of carriages to afford a service of one car each way each and every fifteen minutes and otherwise regulate the traffic thereof and there may be annexed to any breach of such bye-laws or regulations such penalties to be recovered in a summary manner as they may think necessary Provided always that such bye-laws shall not be in contravention of the regulations (if any) of the Board of Trade in respect to the said tramways:

13. The Company shall within one month after demand pay to the district board all costs charges and expenses properly incurred by the district board in relation to this Act or to the proposed tramways and shall also pay from time to time on demand to the district board all reasonable and proper costs charges and expenses which the district board may from time to time incur in making bye-laws or for superintendence of the works during the construction or any alteration of the said tramways or by or in consequence of the exercise of any of the powers or duties conferred upon the district board by this Act:

14. 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 district board by the Metropolis Management Act 1855 or any other Act relating to that board or any of the rights powers and privileges conferred upon the district board by the Tramways Act 1870:

15. If any difference arise between the district board and the Company touching the meaning of this section or anything

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to be done or not to be done thereunder such difference shall be settled unless herein otherwise provided by section thirty-three of the Tramways Act 1870 subsection four.

Capital.

23. The capital of the Company shall be sixty thousand pounds divided into six thousand shares of ten pounds each.

Shares not to issue until one-fifth paid up.

24. 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 shall have been paid in respect thereof.

Calls.

25. 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.

Receipt clause in case of persons not sui juris.

26. 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 sufficient discharge to the Company.

Power to borrow.

27. The Company may from time to time borrow on mortgage any sum not exceeding in the whole fifteen thousand pounds but no part thereof shall be borrowed until the whole capital of sixty 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 of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or 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.

28. 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 authorize the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a

receiver is made shall not be less than five thousand pounds in the whole.

Mortgage to comprise purchase-money paid on compulsory sale.

29. 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 forty-three of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

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

30. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramways or the tramway undertaking in the event of purchase by the local authority under the forty-third section of the Tramways Act 1870.

Moneys borrowed on mortgage to have priority.

31. 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 engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages.

Company not to create debenture stock.

32. The Company shall not create debenture stock.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

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

Qualification of directors.

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

Quorum.

37. The quorum of a meeting of directors shall be three and two if the number of directors shall be reduced to four or three.

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First directors.

Election of directors.

38. Anthony Boiston Frank O'Shaughnessy and three other persons to be nominated by 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 hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for completion of works.

39. 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.

Purchase of land by agreement.

40. The Company may from time to time purchase and acquire (by agreement) such land as they may require for their undertaking not exceeding in the whole five acres.

Power to take easements &c. by agreement.

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

Tolls for passengers.

42. The Company may demand and take for any passenger travelling upon the tramways or any part or parts thereof including tolls for the use of the tramways and of carriages and for motive power and for every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile and in com-

puting the said tolls or charges a fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than two pence.

Passengers' luggage.

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

Company not to carry animals or goods on tramways.

44. The Company shall not carry on the tramways any goods animals or other things than passengers and passengers' luggage not exceeding the weight in this Act in that behalf mentioned and small parcels and the Company shall not attach to any carriage horse or other thing at any time used by or driven on the tramway any bells or other noisy instruments or things under a penalty of forty shillings for each offence.

Tolls for parcels &c.

45. The Company may demand and take for small parcels conveyed by them (exclusive of a reasonable charge for collection and delivery whenever any such service is performed by them) any tolls or charges not exceeding the rates following (that is to say) :—

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

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

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

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

For any parcel or thing exceeding fifty-six pounds in weight such sum as the Company may think fit.

Cheap fares for labouring classes.

46. The Company at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least one carriage or more if required each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Company think most convenient for artisans mechanics and daily labourers at such fares as may be from time to time fixed by the Board of Trade Provided that in case of any complaint made to the Board of Trade of the hours

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appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

As to payment of tolls.

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

Periodical revision of tolls.

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

Company to carry mails.

49. The Company if required by the Postmaster-General shall perform with respect to any of the tramways by this Act authorized all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act 1882) as the Postmaster-General may from time to time require by notice under the hand of one of the secretaries or assistant secretaries of the Post Office or the Inspector-General of Mails for the time being the remuneration for such services being determined by agreement or failing agreement by a referee to be appointed by the Board of Trade at the request of either party:

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

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

Form and delivery of notices.

50. 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 or partly in writing and partly in print and if given by any road authority shall be signed by their clerk or secretary:
2. Any notice to be delivered by or to the Company or by or to 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 and every such letter shall be deemed to be received by the authority body or company or by the Company (as the case may be) on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

For protection of Metropolitan Board of Works.

51. 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 or for the purpose of constructing repairing and maintaining the sewers along or under any such road or street.

Interest not to be paid on calls paid up.

52. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorized to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually

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made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

53. The Company shall not out of any money by this Act authorized 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 authorizing the Company to construct any other tramway or to execute any other work or undertaking.

Provision for general Acts.

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

Costs of Act.

55. 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.

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