CHAPTER cxcvii.

An Act for making Tramways in the county of Surrey to be called "The South London Tramways"; and for other purposes. [11th August 1879.]

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WHEREAS the construction of certain tramways in the parish of Saint Mary, Battersea, in the county of Surrey, would be of local and public advantage:

And whereas the several persons herein-after 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 authorised 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 Surrey, and those plans, sections, and books of reference are herein-after 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 London Tramways Act, 1879.

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, 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 of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking,) and section 3 (interpretation of

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terms) and section 19 (local authority may lease and 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.

33 & 34 Vict. c. 78.

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 authorised; 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 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.

Company incorporated.

4. Christopher James, William Henry Lethbridge, Albion Chadbourn, William George Beattie, and Henry Lee Corlett, 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 London 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 according to deposited plans, &c.

5. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain the tramways herein-after 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, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are—

Tramway No. 15 (a single line), 6 furlongs 9 chains and 58 links in length, commencing at a point in York Road in the parish of Saint Mary, Battersea, 21½ yards or thereabouts north-west from the north-east corner of Plough Lane, and passing thence along York Road and Battersea Park Road, and terminating at a point in the said Battersea Park Road 8 yards or thereabouts south from the south-east corner of Albert Road:

Tramways Nos. 15A and 15B, being respectively short passing-places, each 2 chains in length, connected with and subsidiary to Tramway No. 15:

Tramways Nos. 16 and 16A (a double line), each 5 furlongs 2 chains and 71 links in length, commencing by a junction with Tramway No. 15 at its termination herein-before described, and terminating at a point in the Battersea Park Road 15½ yards or thereabouts south from the south-west corner of Queen's Road:

Tramway No. 17 (a single line), 9 chains and 2 links in length, commencing by a junction with Tramways Nos. 16 and 16A at the termination thereof herein-before described, and terminating at a point in the said Battersea Park Road 12½ yards or thereabouts north-west from the north-east corner of Lockington Road:

Tramways Nos. 18 and 18A (a double line), each 3 furlongs 7 chains and 74 links in length, commencing by a junction with Tramway No. 17 at its termination herein-before described, and terminating at a point in the said Battersea Park Road 32 yards or thereabouts north-east from the north-east corner of Moat Street:

Tramway No. 19 (a single line), 2 furlongs 7 chains and 86 links in length, commencing by a junction with Tramways Nos. 18 and 18A at the termination thereof herein-before described, and passing thence along Battersea Park Road, Mill Pond Bridge, and Nine Elms Lane, and terminating at a point in the Nine Elms Lane in the parish of Battersea 20 yards to the west of the westward rail of the Coal Wharf Gates level crossing of the London and South-western Railway Company:

Tramway No. 19A, being a short passing-place 2 chains in length, connected with and subsidiary to Tramway No. 19:

All of which tramways will pass from, through, or into, or be situate in the parish of St. Mary, Battersea, in the county of Surrey.

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

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present Majesty, c. 20, a sum of three thousand five hundred and seventy-five pounds, being equal to five per centum upon the amount of the estimate in respect of the tramways proposed to be authorised 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 authorised amounts to forty thousand pounds, five per centum upon which sum is equal to two thousand pounds: Be it enacted, that notwithstanding anything contained in the said Act, that of the said sum of three thousand five hundred and seventy-five pounds so deposited as aforesaid in respect of the application for this Act, the sum of two thousand 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 tramway open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramway 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 tramway 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 tramway so opened bears to the entire length of the tramway hereby authorised, 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 tramway complete the same and open it 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 tramway, 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.

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 Court may and shall order that the balance of the said sum of three thousand five hundred and seventy-five 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.

Inspection by Board of Trade.

9. The tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Tramway to be kept level with surface of road.

10. 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 tramway is laid, the Company may and shall from time to

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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.

Protecting the Wandsworth District Board of Works.

11. For the protection of the Board of Works for the Wandsworth District (herein-after called "the Wandsworth Board") the following provisions shall be observed and have effect; that is to say,

(1.) The Company shall not, without the consent in writing of the Wandsworth Board, construct or commence the construction of so much of Tramway No. 15 as is situate between Falcon Lane and Plough Lane:

(2.) The Company shall not commence the construction of any of the tramways or works by this Act authorised within the district of the Wandsworth Board until they shall have given to the Wandsworth Board twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the Wandsworth Board, with plans, elevations, sections, and other necessary particulars of the construction of the said tramways and works, nor until the Wandsworth Board shall have signified their approval of the same, unless the Wandsworth Board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid, in which event the Company may proceed forthwith with the works according to the said plans, elevations, and sections; and in case such plans, elevations, and sections and other particulars are not agreed upon, any difference between the Company and the Wandsworth Board 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:

(3.) As regards all roads within the district of the Wandsworth Board (other than Nine Elms Lane), so much of the road whereon the tramways are laid in each case as lies between the rails (two or four, as the case may be,) and as extends three feet beyond the outer rails of and on each side of the tramways (double or single, as the case may be,) shall be paved by the Company at their own expense with 4-inch by 7-inch Aberdeen or Guernsey granite cubes, on 12 inches of Portland cement concrete, mixed in the proportions of six of Thames ballast to one of Portland

cement, and grouted with Portland cement, or in such other manner as may be agreed upon; and at all passing-places, wherever the same occur or may hereafter be constructed along the course of the tramways, the whole width of the roadway at such points from kerb to kerb shall be paved by the Company in like manner at their own expense:

(4.) As regards so much of Nine Elms Lane as is contained within the parish of Battersea, the whole of the granite pitching which has been laid down in the roadway of the said lane shall be taken up and removed by the Company to the depôt of the Wandsworth Board at Battersea, and the whole of such roadway from kerb to kerb shall be paved by the Company at their own expense with new setts of 4-inch by 7-inch Aberdeen or Guernsey granite cubes, on 12 inches of Portland cement concrete, mixed in the proportions of six of Thames ballast to one of Portland cement, and grouted with Portland cement, or in such other manner as may be agreed upon:

(5.) All the said works affecting any road shall be executed by the Company in manner in this enactment directed under the superintendence and to the satisfaction of the Wandsworth Board, and every such road shall be deemed to be the road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the intent and meaning of this Act and the Tramways Act, 1870; and the reasonable expense to which the Wandsworth Board is put on account of such superintendence shall be paid by the Company:

(6.) So much of section 26 of the Tramways Act, 1870, as provides that the promoters shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the works, and that the promoters shall pay all reasonable expenses to which the road authority is put on account of such superintendence, shall extend and apply also to the works in the 27th and 28th sections of the said Act and the last preceding section of this enactment referred to (except as to maintenance and repairs):

(7.) Any paving, metalling, or material excavated or displaced by the Company in the construction of the undertaking from any road under the jurisdiction or control of the

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Wandsworth Board shall be the property of the Wandsworth Board, and the Company shall, when and as required, deliver the said paving, metalling, or material to the surveyor for the time being of the Wandsworth Board, or to such person or persons as he may appoint to receive the same, and at such depôt in one or other of the parishes comprised within the district of the Wandsworth Board as he may direct; provided that if within seven days after the excavation of any such paving, metalling, or material the same is not delivered to the surveyor, or such person or persons, or at such depôt as aforesaid, the Company shall forfeit and pay to the Wandsworth Board a sum not exceeding forty shillings for every day during which the said paving, metalling, or material is not so delivered, and such penalty shall be recoverable by and payable to the Wandsworth Board, and shall be a penalty within the meaning of section 28 of the Tramways Act, 1870. Any difference between the Company and the Wandsworth 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:

(8.) The Company shall at all times, with such materials and in such manner as the Wandsworth Board shall direct and to their satisfaction, maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways 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 any of the provisions of section 28 of the Tramways Act, 1870, they shall (without prejudice to the enforcement in any manner of the requirements of this Act or to any other remedy against the Company) be subject to a penalty not exceeding ten pounds for every day on which such act of omission continues after forty-eight hours notice shall have been given to or left at the office of the Company by the clerk or surveyor for the time being of the Wandsworth Board, and such penalty shall be recoverable by and payable to the Wandsworth Board, and shall be a penalty within the meaning of section 56 of the said Act. The proviso in section 28 of the Tramways Act, 1870, empowering the road authority, if the promoters fail to comply with the provisions of that

section, after seven days notice to the promoters, to do the works therein mentioned, and recover the expenses thereof from the promoters, shall be read as though forty-eight hours were therein substituted for seven days, and as so altered shall extend and apply not only to the works necessary for the repairs and maintenance in that section mentioned, but also to the works necessary for the maintenance and repairs in this section provided for.

Further provisions as to construction of tramways.

12. In addition to the requirements of section 26 of the Tramways Act, 1870, and of this Act, 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, 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: 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.

As to rails, &c.

13. The rails to be used in laying the whole of the tramways shall be of the best steel, and shall be such as the Board of Trade may approve, and the said rails and the chairs and the substructure on which the rails are laid shall as regards each district in which it is proposed to lay the tramways be submitted to and approved by the road authority of such district or their surveyor before the Company commence the construction of any part of the tramway.

As to use of bells, &c.

14. No bell or other similar thing shall be used by the Company or attached to their carriages, horses, or harness without the consent in writing under their common seal of each of the road authorities in whose districts the tramways authorised by this Act are proposed to be laid, nor shall such bells or similar things be continued to be used by them if after such consents have been so given either or both of such consents shall at any time be revoked in writing as aforesaid; and the Company shall be liable to a penalty of forty shillings for every day on which they fail to comply with the provisions of this section, such penalty to be recoverable by and payable to the road authority or road authorities not consenting to

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such use, and such penalty shall be a penalty within the meaning of section 56 of the Tramways Act, 1870.

Appeal to Board of Trade.

15. 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 of this Act as to maintaining and keeping in good condition and repair the rails of the tramways and the substructure upon which the same rest, 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, shall be conclusive 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 Act imposed.

Sewer authority to have access to sewers.

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

Company may be required to adopt improvements in rails, &c.

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

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 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.

Power to make temporary tramway 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 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, subject to such conditions and in accordance in all respects with such regulations as the 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 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 differences in the said section mentioned.

Capital.

20. The capital of the Company shall be seventy thousand pounds, divided into seven thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

21. 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.

22. 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 fourths 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.

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

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Power to divide shares.

24. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share"; but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

25. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend, after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred half shares to be paid out of profits of the year only.

26. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

27. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their

satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it. A.D. 1879.

Terms, &c. of issue to be stated on certificate.

28. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred half shares.

29. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred half shares not to be cancelled, &c.

30. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

31. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person, shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

32. The Company may from time to time borrow on mortgage any sum not exceeding in the whole seventeen thousand five hundred pounds, but no part thereof shall be borrowed until the whole capital of seventy 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

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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.

As to appointment of receiver.

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

Mortgage to comprise purchase money paid on compulsory sale.

34. 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 the contingency fund, according to the terms of the mortgage.

Indorsement on deed as to purchase of tramway by local authority.

35. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramway in the event of its being purchased by the local authority under the forty-third section of the Tramways Act, 1870.

Priority of moneys borrowed on mortgage.

36. 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.

Company not to create debenture stock.

37. The Company shall not create debenture stock.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

40. 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.

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

Quorum of directors.

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

First directors.

43. Christopher James, William Henry Lethbridge, Albion Chadbourn, William George Beattie, and Henry Lee Corlett 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 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 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.

44. 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.

Period for completion of works.

45. 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 two acres.

Purchase of land by agreement.

46. The Company may demand and take for every passenger travelling upon the tramway, or any part or parts thereof, including tolls for the use of the tramway 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 twopence.

Tolls for passengers.

47. Every passenger travelling upon the tramway may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Passengers luggage.

48. 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 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 road authority think most convenient, for

Cheap fares for labouring classes.

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artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fares less than one penny), and the Company shall be liable to a penalty of not exceeding five pounds per day for every day on which they fail to run any such carriage, such penalty to be payable to and recoverable by the road authority: Provided always, that the Company shall not be liable to any such penalty if the failure to run any such carriage arises from any act of the road authority or their officers, or from circumstances over which the Company have no control: Provided also, that in case of any complaint made to the Board of Trade of the hours appointed by the road authority for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Company not to carry goods, animals, &c. on tramways.

49. The Company shall not carry on the tramways any goods, animals, or other things, other than passengers and passengers luggage, not exceeding the weight in this Act in that behalf mentioned, and small parcels.

Tolls for small parcels, &c.

50. The Company may demand and take in respect of any materials, articles, or things in small parcels conveyed by them from any point on one tramway to any point either on the same or on any other tramway, including tolls for the use of the tramways, and for waggons and motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the rates following; that is to say,

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, sevenpence:

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

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

Periodical revision of tolls.

51. 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,

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

As to payment of tolls.

52. The tolls and charges by this Act authorised 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.

Form and delivery of notices.

53. 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 the Metropolitan Board of Works shall be sufficiently authenticated by being signed by the engineer or by the clerk of the Board, and if given by any other road authority by being signed by their clerk or secretary:

(2.) Any notice to be delivered by or to the Company to or by 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.

Protecting Metropolitan

54. Nothing in this Act contained shall extend or be construed to extend to alter, abridge, or take away any of the rights, powers,

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Board of Works. 18 & 19 Vict. c. 120.

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, or any of the rights, powers, and privileges conferred upon them by the Tramways Act, 1870.

Interest not to be paid on calls paid up.

55. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, 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.

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

Company not exempt from provisions of present or future general Tramway Acts.

57. 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 authorised by this Act.

Expenses of Act.

58. 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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