CHAPTER clxxxiv.

An Act to authorise the South London Tramways Company to construct additional tramways, to raise further money and for other purposes. A.D. 1881. [11th August 1881.]

WHEREAS by the South London Tramways Act 1879 (in this Act called "the Act of 1879") the South London Tramways Company (in this Act called "the Company") was incorporated and were authorised to construct various tramways: 42 & 43 Vict. c. cxcvii.

And whereas by the South London Tramways (Extensions) Act 1880 (in this Act called "the Act of 1880") the Company were authorised to construct additional tramways: 43 & 44 Vict. c. xvi.

And whereas it is expedient that the Company be authorised to construct the tramways in this Act described and to raise money by additional shares and by borrowing for that purpose:

And whereas it is expedient that the Company be authorised to purchase and take the lands and houses on the south side of York Road Battersea between Falcon Lane and Plough Lane for the purposes of Tramway No. 15 authorised by the Act of 1879 and the general purposes of their undertaking:

And whereas plans and sections showing the situation lines and levels of the tramways authorised by this Act with a book of reference to those plans and plans of the lands and houses intended to be taken compulsorily with a book of reference to those plans have been duly deposited with the clerk of the peace for the county of Surrey and are herein-after 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

A.D. 1881. Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. **1.** This Act may be cited as the South London Tramways Act 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 16. **2.** The provisions of the Companies Clauses Consolidation Act 1845—

With respect to the distribution of the capital of the Company into shares ;

With respect to the transfer or transmission of shares ;

With respect to the payment of subscriptions and the means of enforcing the payment of calls ;

With respect to the forfeiture of shares for nonpayment of calls ;

With respect to the remedies of creditors of the Company against the shareholders ;

With respect to the borrowing of money by the Company on mortgage or bond ;

With respect to the conversion of the borrowed money into capital ;

With respect to the consolidation of the shares into stock ;

With respect to the making of dividends ;

With respect to the giving of notices ;

And with respect to the provision to be made for affording access to the special Act by all parties interested ;

And Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and the Lands Clauses Consolidation Acts 1845 1860 and 1869 section 3 (interpretation of terms) section 19 (local authority may lease and take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 ;

26 & 27 Vict. c. 118. 52 & 33 Vict. c. 48. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

33 & 34 Vict. c. 78.

are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation. **3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction 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 the Tramways Act 1870 section 43 at a sum

less than the aggregate amount of the capital and debts of the Company. A.D. 1881.

Power to make tramways.

4. 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 :—

A Tramway No. 45 (single line) 7 chains and 40 links in length commencing at a point in Vauxhall Cross about $4\frac{1}{2}$ yards measured in a south-easterly direction from the lamp standard on the northernmost refuge there and terminating in High Street Lambeth at a point about $1\frac{1}{2}$ chains measured in a southerly direction from Vauxhall Walk;

A Tramway No. 46 (double line) 3 furlongs 8 chains and 85 links in length commencing at the termination of Tramway No. 45 and terminating in Albert Embankment at a point about $\frac{3}{4}$ of a chain measured in a north-easterly direction from Ferry Street;

A Tramway No. 47 (single line) 2 chains and 40 links in length commencing at the termination of Tramway No. 46 and terminating in Albert Embankment at a point about $1\frac{1}{4}$ chains measured in a northerly direction from Church Street;

A Tramway No. 48 (double line) 3 furlongs 2 chains and 52 links in length commencing at the termination of Tramway No. 47 and terminating in Stangate at a point about $1\frac{3}{4}$ chains south of the junction of Westminster Bridge Road with Stangate;

A Tramway No. 49 (single line) 1 chain in length commencing at the termination of Tramway No. 48 and terminating in Stangate at a point about $\frac{3}{4}$ of a chain south of the last-mentioned junction;

A Tramway No. 50 (single line) 1 furlong and 42 links in length commencing by a junction with Tramway No. 47 at a point about 1 chain measured in a north-easterly direction from Ferry Street and terminating in Church Street at a point about 1 chain measured in an easterly direction from Norfolk Row;

A Tramway No. 51 (double line) 4 furlongs 3 chains and 75 links in length commencing at the termination of Tramway No. 50 and terminating in Lambeth Road at a point about $2\frac{1}{4}$ chains measured in an easterly direction from Joiner Street;

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A Tramway No. 52 (single line) 3 chains and 84 links in length commencing at the termination of Tramway No. 51 and terminating in Lambeth Road at a point about 6 chains measured in a north-easterly direction from Joiner Street;

A Tramway No. 53 (double line) 2 furlongs 7 chains and 60 links in length commencing at the termination of Tramway No. 52 and passing thence along Lambeth Road across Saint George's Circus and along Borough Road and terminating in Southwark Bridge Road at a point about $1\frac{1}{2}$ chains measured in a south-westerly direction from Collinson Street;

A Tramway No. 54 (single line) 4 chains and 10 links in length commencing at the termination of Tramway No. 53 and terminating in Southwark Bridge Road at a point about $2\frac{3}{4}$ chains measured in a north-easterly direction from Collinson Street;

A Tramway No. 55 (double line) 3 furlongs 4 chains and 53 links in length commencing at the termination of Tramway No. 54 and terminating in Southwark Bridge Road at a point about $1\frac{1}{2}$ chains measured in a northerly direction from Sumner Street;

A Tramway No. 56 (single line) 1 chain in length commencing at the termination of Tramway No. 55 and terminating in Southwark Bridge Road at a point $2\frac{1}{2}$ chains measured in a northerly direction from Sumner Street;

A Tramway No. 57 (double line) 1 furlong 1 chain and 50 links in length commencing in Southwark Bridge Road one line by a junction with the westernmost line of the intended Tramway No. 55 at a point about $1\frac{1}{4}$ chains north of Keppel Street and the other line by a junction with the easternmost line of the intended Tramway No. 55 at a point about $\frac{3}{4}$ of a chain north of Keppel Street and terminating in Southwark Street at a point about 2 chains measured in an easterly direction from Red Cross Street;

A Tramway No. 58 (single line) 7 chains and 50 links in length commencing at the termination of Tramway No. 57 and terminating in Southwark Street at a point about $9\frac{1}{2}$ chains measured in an easterly direction from Red Cross Street;

A Tramway No. 59 (single line) 1 chain and 90 links in length commencing by a junction with the intended Tramway No. 47 at a point in Albert Embankment about 1 chain measured in a northerly direction from Church Street and terminating in Church Street by a junction with the intended Tramway No. 50 at a point about $1\frac{1}{2}$ chains east of the junction of Church Street with Albert Embankment;

A Tramway No. 60 (single line) 87 links in length commencing in Battersea Park Road by a junction with the tramway existing therein at a point about $\frac{1}{2}$ chain south-west of the junction of Queen's Road and Victoria Road with Battersea Park Road and terminating in Victoria Road by a junction with Tramway No. 1 authorised by the Act of 1880 at a point about $\frac{1}{2}$ chain north of the junction of Queen's Road and Victoria Road with Battersea Park Road;

A Tramway No. 61 (single line) 1 chain and 8 links in length commencing in Queen's Road by a junction with Tramway No. 2 authorised by the Act of 1880 at a point about $\frac{3}{4}$ chain south of the junction of Queen's Road and Victoria Road with Battersea Park Road and terminating in Battersea Park Road by a junction with the tramway existing therein at a point about $\frac{1}{2}$ chain north-east of the junction of Queen's Road and Victoria Road with Battersea Park Road;

A Tramway No. 62 (single line) 1 chain and 95 links in length commencing in Saint John's Hill by a junction with Tramway No. 11D authorised by the Act of 1880 at a point about $\frac{3}{4}$ chain south-west of the junction of Saint John's Road with Saint John's Hill and terminating in Falcon Lane by a junction with Tramway No. 12 authorised by the same Act at a point about $1\frac{1}{4}$ chains north of the junction of Saint John's Road with Saint John's Hill;

A Tramway No. 63 (single line) 86 links in length commencing in Queen's Road Battersea by a junction with Tramway No. 2 authorised by the Act of 1880 at a point about $3\frac{3}{4}$ chains south of the junction of South Street with Queen's Road and terminating at the fence bounding the east side of Queen's Road at a point about $4\frac{1}{2}$ chains south of the junction of South Street with Queen's Road;

The herein-before described tramways will pass from through or into or be situated in the parishes of Saint Mary Battersea Wandsworth Lambeth Saint Saviour (including the liberty of the Clink) and Saint George the Martyr Southwark or some or one of them all in the county of Surrey.

Protection of the London and South-western Railway Company.

5. In the construction of Tramway No. 51 by this Act authorised under the bridge (herein-after called the railway bridge) carrying the main and Windsor lines of the London and South-western Railway Company (herein-after called the South-western Company) over

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Church Street in the parish of Saint Mary Lambeth the following provisions shall apply and have effect :—

(A) The tramway rails shall not be laid nearer than five feet to any abutment or pier of the railway bridge so as to leave as much space as possible for the execution of any repairs of the railway bridge as may from time to time be necessary;

(B) In the event of the South-western Company requiring for the repair or renewal of the railway bridge to erect scaffolding around or against any of the abutments or piers or under the superstructure thereof they shall be at liberty to do so after having given seven days notice in writing to the Company of such their intention and if necessary the Company shall during the period required for the completion of such repair or renewal conduct all their traffic under one opening only of the railway bridge;

(C) The South-western Company may if they deem fit employ a watchman or inspector to watch and inspect the Tramway No. 51 during its construction under and within a distance of 7 yards on either side of the railway bridge and the wages of such watchman or inspector shall be borne by the Company and be paid by them to the South-western Company and the Company shall indemnify the South-western Company against and compensate them for any injury which may from time to time happen to the property or works of the South-western Company from the construction or working of the tramway.

Power to acquire lands in York Road Battersea.

6. Subject to the provisions of this Act the Company may enter upon take and use for the purposes of Tramway No. 15 authorised by the Act of 1879 and for the general purposes of their undertaking all or any of the lands and houses situate on the south side of York Road Battersea between Falcon Lane and Plough Lane delineated on the deposited plans and described in the deposited books of reference and respectively numbered on those plans and in those books of reference 1a to 67 inclusive.

Protection of Wandsworth District Board of Works.

7. In the construction of any tramways within the district of the Board of Works for the Wandsworth district (herein-after in this section called the Wandsworth Board) the following provisions for the protection of that board shall be observed and shall have effect :—

(1) The Tramways Nos. 60 61 62 and 63 by this Act authorised shall be deemed to form part of the tramways within the district of the Wandsworth Board authorised by the South

London Tramways (Extensions) Act 1880 and all the provisions of that Act for the protection of or relating to the Wandsworth Board in respect of the last-mentioned tramways shall extend and apply to the said Tramways Nos. 60 61 62 and 63 and to the roads and streets along or in which the same may be laid and to the Wandsworth Board in as full and complete a manner as if those provisions were re-enacted in this Act with reference to those tramways roads and streets;

(2) If the Company shall in the district of the Wandsworth Board fail to comply with the provisions contained in subsection 4 of section 26 of the Tramways Act 1870 they shall be liable to a penalty of five pounds for every day during which such failure shall continue such penalty to be recovered by and payable to the Wandsworth Board;

(3) If it shall be necessary for the better laying down and construction of any tramways not already constructed within the said district to alter the level of any road or street and in consequence thereof to alter the remainder of the roadway or footpath adjoining such last-mentioned alteration including the repairing and raising of the roadway and footpath the same shall be effected by the Company to the satisfaction of the Wandsworth Board or in default thereof by the Wandsworth Board at the expense of the Company;

(4) The Company shall lay down in front of any and every place of worship or hospital if any which any tramway not already constructed shall pass (if so required by the board) a wooden or other noiseless paving in so much of the road as is to be constructed and maintained by the Company as is directly opposite such place of worship or hospital and for a distance of ten yards beyond each end of the frontage of such place of worship or hospital;

(5) Subsection 2 of section 27 of the said Act of 1880 shall be read and construed as if between the words "Portland cement" and the word "or" in that subsection had been inserted the words "and grouted with Portland cement."

Power to apply existing funds.

8. The Company may from time to time apply towards any of the purposes of this Act any moneys which they have raised or may hereafter raise under any other Act or Acts and which may not be required for the purposes to which by the respective Acts such moneys are made applicable.

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Power to raise additional capital.

9. The Company may from time to time raise by the creation and issue of new ordinary shares or new ordinary stock or new preference shares or new preference stock or (at the option of the Company) by any or either of those modes any further capital not exceeding in the whole sixty thousand pounds.

Certain sections of Act of 1879 applied to new share capital.

10. The provisions of the sections of the Act of 1879 numbered from 21 to 31 (both numbers inclusive) shall apply to the shares in the additional capital by this Act authorised to be raised.

Power to borrow.

11. In addition to any sum which by any other Act or Acts they are authorised to borrow the Company may from time to time borrow on mortgage any further sum or sums not exceeding in the whole fifteen thousand pounds but no part of that sum shall be borrowed until the whole capital of sixty thousand pounds by this Act authorised 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 additional 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 or the whole of the stock in such additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such additional 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 or 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.

Mortgage to comprise purchase money paid on compulsory sale.

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

13. 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 tramway in the event of its being purchased by the local authority under the forty-third section of the Tramways Act 1870.

Existing mortgages to have priority.

14. All mortgages granted by the Company before the passing of this Act and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgage have priority over any mortgages to be granted by virtue of this Act.

Repealing provisions of former Acts with respect to appointment of a receiver.

15. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

Appointment of a receiver.

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

Company not to create debenture stock.

17. The Company shall not create debenture stock.

Priority of mortgages over other debts.

18. All money raised or to be raised by the Company on mortgage under the provisions of this Act shall have priority against the Company and the property from time to time belonging to the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into by them: Provided always that this priority shall not affect any claim against the Company or their property in respect of any mortgage granted or to be granted by the Company under the provisions of any former Acts or any claim for land taken used or occupied by the Company for the purposes of this Act or any former Act or injuriously affected by the construction of the works of or by the exercise of any powers conferred on the Company.

Application of moneys.

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

Period for compulsory purchase of lands.

20. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of one year from the passing of this Act.

Period for completion of works.

21. The tramways shall be completed within two years from the passing of this Act and on the expiration of that period the powers

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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.

Deposit money not to be repaid except so far as tramway is opened.

22. 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 three thousand three hundred and fifteen pounds Three pounds per Centum Consolidated Bank Annuities being equal to five per centum upon the amount of the estimate in respect of the tramways comprised in the Bill for this Act has been deposited with the Chancery Division of the High Court of Justicein England in respect of the application to Parliament for this Act. And whereas since the said sum of three thousand three hundred and fifteen pounds Three pounds per Centum Consolidated Bank Annuities was deposited as aforesaid the estimate of the expense of the tramways authorised by this Act has by the abandonment of a portion of the tramways comprised in the Bill for this Act been reduced to forty-eight thousand pounds. Be it enacted that notwithstanding anything contained in the Act first in this section mentioned two thousand four hundred and thirty-six pounds Three pounds per Centum Consolidated Bank Annuities (being equal to five per cent. upon the amount of the said reduced estimate and being in this Act referred to as the deposit fund) part of the said sum of three thousand three hundred and fifteen pounds Three pounds per Centum Consolidated Bank Annuities 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 the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having

passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

23. 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 or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid 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 for which injury or loss no compensation or inadequate compensation has been paid 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.

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Company may be required to use improved form of rail.

24. 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 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 out such improvements.

Further provision as to construction of tramways.

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

Penalty for not maintaining rails and road in good condition.

26. 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 authorised 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 28 of the Tramways Act 1870 they shall for every such offence be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty may be recovered in manner provided by section 56 of the said Act and the tramways of the Company for the purposes of this section shall include any tramways purchased by the Company or taken on lease by them during the continuance of any such lease.

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Inspection by Board of Trade officer.

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

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

28. In addition to any other provisions of this Act the Company shall maintain and keep the tramways by this Act authorised and all other tramways belonging to or leased by 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 56 of the Tramways Act 1870 but by the said road authority only.

Correction of errors in deposited plans and books of reference.

29. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Surrey for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Surrey and a duplicate thereof shall also be deposited with the vestry clerk or clerk of the district board of works (as the case may be) and such certificate and duplicate respectively shall be kept by such clerk of the peace and vestry clerk or clerk of the district board of works respectively with the other documents to which the same relate and thereupon the

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deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Applying provisions of Act of 1879 as to tolls, &c.

30. The tramways by this Act authorised shall for the purposes of tolls and charges and for all other purposes be deemed to be part of the tramways authorised by the Act of 1879 and the several provisions of that Act relating to tolls and charges except so far as they may be inconsistent with any of the provisions of this Act are incorporated with and form part of this Act.

Company not to carry animals and goods.

31. 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 that behalf mentioned in the Act of 1879 and small parcels.

Cheap fares for labouring classes.

32. 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 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.

Periodical revision of tolls.

33. 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 authorised.

Inspection by Board of Trade.

34. 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.

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

Protection of Wandsworth and Putney Gaslight and Coke Company.

36. Section 35 of the Act of 1880 shall extend and apply to the tramways and works authorised by the Act of 1879 and this Act.

Protection of the London Gaslight Company.

37. In addition to the provisions of the Tramways Act 1870 the following provisions shall have effect for the further protection and benefit of the London Gaslight Company (herein-after in this section called "the gas company"):—

(A) All works which may in any way interfere with any main pipe or apparatus of the gas company may if the gas company so think fit be executed by them the reasonable and proper cost thereof to be borne by the Company;

(B) If by reason of the construction or maintenance of the tramways any new substituted or additional mains pipes or apparatus of the gas company be requisite the cost of constructing providing and laying of such mains pipes or apparatus shall be paid by the Company subject to credit being given to the Company for the value of any mains pipes or

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apparatus rendered useless by the construction or maintenance of the tramways and removed by the gas company: Provided that if such substituted mains pipes or apparatus be of increased dimensions the additional cost arising from such increase shall unless such increase be required by reason of the tramways be borne by the gas company;

(c) All moneys to be paid by the Company to the gas company under or by reason of any provision of this section shall be payable on demand and in default thereof may be recovered with full costs of suit in any court of competent jurisdiction.

Protection of the Lambeth Vestry.

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

(A) The Company shall not commence the construction of any of the tramways or works by this Act authorised in the parish of Lambeth until they shall have given to the Lambeth Vestry twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the Lambeth Vestry with plans elevations sections and other necessary particulars of the construction of the said tramways and works nor until the Lambeth Vestry shall have signified their approval of the same unless the Lambeth Vestry fail to signify their approval or their disapproval or to give other directions with regard thereto within twenty-one days after service of the said notice and delivery of the said plans 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 sections and other particulars are not agreed upon any difference between the Company and the Lambeth Vestry 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;

(B) As regards all roads in the parish of Saint Mary Lambeth so much of every road whereon any tramway is laid as (1) lies between the rails of such tramway (2) lies between the rails of any loop passing-place crossing siding or junction in connexion with any tramway (3) lies between the rails of such tramway and any such loop passing-place or crossing siding or junction (4) not being more than 4 feet in width lies between any two tramways laid by the Company and (5) extends 3 feet beyond

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the rails of and on each side of every tramway loop passing-place crossing siding and junction the existing paving of the carriageway shall be taken up and the carriageway shall be paved by the Company at their own expense with New Guernsey granite arches of the same dimensions as are now laid down in any street or road in which the tramway shall be so constructed (if any) and if there be no such granite cubes in such road then with granite cubes 3 inches by 9 inches all such granite cubes to be laid upon a foundation or substructure of Portland cement concrete of such thickness as shall be approved by the Lambeth Vestry and under the superintendence of and with such other usual materials and in the manner required by and to the reasonable satisfaction of the Lambeth Vestry or with such other paving foundation or materials as the Lambeth Vestry may approve and every portion of such road (including the portions of road to be paved with wood under subsection F) shall be deemed to be the portion of the road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the intent and meaning of this Act and the Tramways Act 1870 and the reasonable expense to which the Lambeth Vestry may be put on account of such superintendence shall be paid by the Company;

(C) The remainder of the carriageway of every such road shall if it be so required by the Lambeth Vestry be taken up and relaid by the Company at their own expense with the paving and metal taken up and under the superintendence of and in the manner required by and to the satisfaction of the Lambeth Vestry;

(D) In every case where the Company shall construct passing-places in a single line such passing-places shall as far as practicable where required by the Lambeth Vestry be laid in the centre of the road and the roadway for the full length of such passing-places shall (in lieu of the portion of road provided for by subsection B of this section) be paved with granite or wood by the Company for the entire width of the road and with respect to such places the whole width of the road between the footways shall be deemed to be the portion of road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the intent and meaning of this Act and the Tramways Act 1870;

(E) In the construction of the tramway along that portion of the Albert Embankment which lies between Lambeth Bridge

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and Westminster Bridge and that part of Church Street which lies between the embankment and Norfolk Row the Company shall pave the whole width of the said portion of the Albert Embankment and the said part of Church Street between the footways at their own expense with wood and the Company shall take up the present granite paving of the road on the said portion of the Albert Embankment. The Company shall at their own expense maintain that portion of the Albert Embankment which is herein provided to be paved with wood for the space within and between the tramway lines and three feet on each side and the whole width of the roadway in Church Street from the Albert Embankment to Norfolk Row;

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

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

(H) Any paving metalling or material excavated or displaced by the Company in the construction of the undertaking from any road under the jurisdiction or control of the Lambeth Vestry shall be the property of the vestry and the Company shall when and as required deliver all such of the said paving metalling or material as shall not be used in relaying the remainder of the carriageway as provided in subsection c to the surveyor for the time being of the said vestry or to such person or persons as he may appoint to receive the same and at such place not being in the case of material from the Albert Embankment more than 1 mile and in all other cases more than 2 miles from where the same is excavated as the said

surveyor may direct: Provided that if within seven days after the excavation of any paving metalling or material not required for the purpose of re-laying the carriageway aforesaid the same be not delivered to the surveyor or such person or persons or at such place as aforesaid the Company shall forfeit and pay to the Lambeth Vestry a sum not exceeding forty shillings for every day during which the said paving metalling or material is not so delivered and such penalty shall be recoverable by and payable to the Lambeth Vestry and shall be a penalty within the meaning of section 56 of the Tramways Act 1870. Any difference between the Company and the Lambeth Vestry or their 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;

(I) The Company shall at all times with such materials and in such manner as the Lambeth Vestry shall direct and to their satisfaction maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways of the Company and the substructure upon which the same rest and the paving laid down by the Company in pursuance of subsections B D E and F aforesaid and if the Company at any time fail to comply with this provision or with any of the provisions of section 28 of the Tramways Act 1870 they shall (without prejudice to the enforcement in any manner of the requirements of this Act or to any other remedy against the Company) be subject to a penalty not exceeding ten pounds for every day on which such act of omission continues after forty-eight hours notice shall have been given to or left at the office of the Company by the clerk or surveyor for the time being of the Lambeth Vestry and such penalty shall be recoverable by and payable to the Lambeth Vestry and shall be a penalty within the meaning of section 56 of the said Act. The proviso in section 28 of the Tramways Act 1870 contained empowering the road authority if the 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 expense 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;

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(J) If and whenever in the opinion of the Lambeth Vestry it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any tramways of the Company constructed under this or any other Act or the roadway in which the same shall be made the Lambeth Vestry may without any consent or concurrence on the part of the Company enter upon and interfere with such tramways or 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 Lambeth Vestry so as not to interfere with any such work and shall have no claim for compensation against the Lambeth Vestry.

Protection of Saint Saviour's District Board of Works.

39. For the protection of the Board of Works of the Saint Saviour's district (herein-after called the "Saint Saviour's Board") the following provisions shall be observed and have effect (that is to say):—

(A) The Company shall not commence the construction of any of the tramways or works by this Act authorised within the district of the Saint Saviour's Board until they shall have given twenty-one days notice in writing of their intention to commence the same and deposited at the office of the Saint Saviour's Board plans elevations sections and other necessary particulars of the mode of construction nor until the Saint Saviour's Board have signified their approval thereof unless the Saint Saviour's Board fail within the said twenty-one days to signify their approval or disapproval or to give other directions with regard thereto. In case of any difference between the Company and the Saint Saviour's Board with reference to any of the matters aforesaid the same shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority;

(B) The Company shall pave with new Guernsey or Aberdeen granite cubes of the same dimensions as those used in the several roadways on a foundation or substructure of Portland cement concrete six inches in depth and with other usual materials and under the superintendence of the surveyor of the Saint Saviour's Board the roadway between the rails of each tramway and between the rails of any loop passing-place crossing siding or junction and also to an extent of three feet

on the outside of the rails of the tramway whether the line be single or double;

(c) The metal and material excavated or displaced and not used in the re-laying any part of the roadway outside the part so paved as aforesaid shall be removed at the Company's expense to a place to be named by the Saint Saviour's Board not more than two miles from the place where excavated provided that if within seven days after the excavation of any such paving metalling or material the same is not removed as aforesaid the Company shall forfeit and pay to the Saint Saviour's Board a sum not exceeding forty shillings for every day during which the said metal or material is not so removed and such penalty shall be recoverable by and payable to the Saint Saviour's Board. Any difference between the Company and the Saint Saviour's 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;

(d) The Company shall at all times with such materials and in such manner as the Saint Saviour's 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 be liable to a penalty not exceeding five 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 Saint Saviour's Board and such penalty shall be recoverable by and payable to the Saint Saviour's Board and shall be a penalty within the meaning of section 56 of the said Act.

Sewer authority to have access to sewers.

40. 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.

Traffic to be suspended during works of drainage.

41. If and whenever in the opinion of the Metropolitan Board of Works it shall be necessary or expedient for the purpose of

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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.

Restriction on use of bells &c.

42. The Company shall not use or permit to be used any bell or other thing causing noise attached to their carriages horses or harness in passing Lambeth Palace or Saint Thomas' Hospital nor without the consent in writing under their common seal of the road authority in any other place nor shall any such bell or other thing be continued to be used by the Company in any place if after such consent has been so given the same shall at any time be revoked in writing as aforesaid and the Company shall be liable to a penalty of forty shillings for every day on which they fail to comply with the provisions of this section such penalty to be recoverable by and payable to the road authority and such penalty shall be a penalty within the meaning of section 56 of the Tramways Act 1870.

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

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

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

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

Power to make additional crossings &c.

45. 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 and 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.

46. 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 tramways or any part thereof the Company shall within fourteen days of receiving an order in writing from any road authority under the hand of their clerk or secretary discontinue or take up such tramway for such term as may be necessary for the execution of the said work: Provided that the Company may with the sanction of the road authority and subject to such conditions and in accordance in all respects with such regulations as they the said road authority may from time to time make or prescribe construct on the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued to be used.

Extension of time for completion of certain parts of tramways authorised by the Act of 1879.

47. The time limited by the Act of 1879 for the completion of Tramway No. 15A and so much of Tramway No. 15 by that Act authorised as is situate in York Road in the parish of Saint Mary Battersea between Falcon Lane and Plough Lane is hereby extended until the eleventh day of August one thousand eight hundred and eighty-two and that period shall for all purposes be deemed to be the period originally limited by the Act of 1879 for the completion of those tramways: Provided that if those tramways be not completed within the period limited by this Act then on the expiration of that period the powers by the Act of 1879 and this Act granted to the Company for making and completing those tramways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

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Saving rights of Metropolitan Board of Works to stop up streets.

18 & 19 Vict. c. 120.

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

Interest not to be paid on calls paid up.

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

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

50. 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.

Provisions as to general Tramway Acts.

51. 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.

Costs of Act.

52. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the Company.

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