CHAPTER lxxii.

An Act to authorise the construction of Tramways in Southwark, Deptford, and other places in the counties of Surrey and Kent; and for other purposes. A.D. 1879.

[3d July 1879.]

WHEREAS the laying down of tramways in certain streets and roads in Southwark and Deptford and other places in the counties of Surrey and Kent, to be worked by animal power only, would be of local and public advantage:

And whereas the several persons herein-after named in that behalf are, with others, willing at their own expense to construct and maintain the tramways herein-after mentioned:

And whereas plans and sections of the proposed tramways, showing the lines and levels thereof and the lands to be taken for the purposes thereof, and books of reference to those plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, have been deposited with the respective clerks of the peace for the counties of Surrey and Kent, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

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

Short title.

1. This Act may be cited for all purposes as the Southwark and Deptford Tramways Act, 1879.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.

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

A.D. 1879.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
33 & 34 Vict. c. 78.

the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act, 1870, so far as the same respectively are applicable to and not varied or excepted by or inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act, and shall apply to the undertaking of the Company.

Interpretation 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 or inconsistent with such construction, or unless herein otherwise provided:

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

The expressions "the tramways," except when the tramways by this Act authorised, any or either of them, are expressly mentioned, and "the undertaking" shall respectively mean and include the tramways and works connected therewith by this Act authorised to be made:

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

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

Incorporation of Company.

4. Christopher James, Henry Lee Corlett, William Frederick Wigg, Henry Currer Briggs, William Henry Lethbridge, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purpose of making and maintaining the tramways herein-after described, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Southwark and Deptford Tramways Company," and by that name shall be a body

corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make tramways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith, and may enter upon, take, and use the lands delineated on the deposited plans and described in the deposited books of reference as Nos. 2A and 3A, in the parish of St. Paul Deptford. The tramways herein-before referred to and authorised by this Act are :—

Tramway No. 1, 3 furlongs 7·70 chains in length, commencing in the centre of Bermondsey New Road, Southwark, near the Old Kent Road, passing thence along Bermondsey New Road and Grange Road, and terminating at the centre of Grange Road, Bermondsey, opposite to the north wall of the entrance to the archway between Nos. 71 and 72 in that road :

Tramway or passing-place No. 1A, 3·10 chains in length, commencing in the centre of Bermondsey New Road, opposite the division between the houses Nos. 41 and 42 in that road, and terminating in the centre of that road, opposite the east side of the passage adjoining the shop No. 89 in that road :

Tramway or passing-place No. 1B, 1·80 chains in length, commencing in the centre of Bermondsey New Road, opposite the division between Nos. 112 and 113 in that road, and terminating in the centre of Grange Road, opposite the east side of the pathway into Chiswell's Forge :

Tramway or passing-place No. 1C, 2·35 chains in length, commencing in the centre of Grange Road, opposite the west side of the "Earl Derby" public-house, and terminating in the centre of that road, opposite the fence between Nos. 178 and 179 in that road :

Tramway No. 2, 3 furlongs 8·40 chains in length, commencing at the termination of Tramway No. 1, and passing along Spa Road, Bermondsey, terminating in the centre of Jamaica Road, Bermondsey, opposite the west side of the shop No. 83 in that road :

Tramway or passing-place No. 2A, 1·40 chains in length, commencing by a junction with the intended Tramway No. 8 in Grange Road, at a point 40 feet from the commencement of

A.D. 1879.

that tramway and 7 feet from the west footway of that road, and terminating in the centre of Spa Road, opposite the middle gate-post of the entrance to yard No. 1 in that road:

Tramway or passing-place No. 2B, 2·35 chains in length, commencing in the centre of the Spa Road, opposite the division between Nos. 74 and 76, and terminating in the centre of the road, opposite the fence between Nos. 47 and 49 in that road:

Tramway or passing-place No. 2C, 2·20 chains in length, commencing in the centre of Spa Road, opposite the centre of No. 170 in that road, and terminating in the centre of that road, opposite the southernmost gate-post of the south entrance gate to Saint James's Church:

Tramway No. 3, 1 mile 2 furlongs 0·78 chains in length, commencing at the termination of Tramway No. 2, and passing along Jamaica Road, Union Road, and Deptford Lower Road, and terminating in the centre of Deptford Lower Road on the line of demarcation between the macadam and stone paving of the roadway opposite to No. 200 in that road:

Tramway or passing-place No. 3A, 3·35 chains in length, commencing in the centre of Jamaica Road, Bermondsey, opposite to the division between Nos. 83 and 85 in that road, and terminating in the centre of that road, opposite the west side of the "Gregorian Arms":

Tramway or passing-place No. 3B, 2·00 chains in length, commencing opposite the west corner of the "Queen Charlotte" public-house in the Jamaica Road, Bermondsey, and terminating in the centre of Union Road, Rotherhithe, opposite the division between Nos. 2 and 4 in that road:

Tramway or passing-place No. 3C, 1·65 chains in length, commencing in the centre of Union Road, opposite the east side of No. 44 in that road, and terminating in the centre of that road and opposite the division between Nos. 46 and 48 in that road:

Tramway or passing-place No. 3D, 1·85 chains in length, commencing in the centre of Union Road, opposite the division between No. 67 in that road and the drapery and linen warehouse occupied by W. Houghton, and terminating opposite the east side of the "Hope" coffee-house:

Tramway or passing-place No. 3E, 1·80 chains in length, commencing in the centre of Deptford Lower Road, opposite the east side of Saint Olave's Union Dispensary, and terminating in the centre of that road, opposite the centre of the gateway of the union workhouse:

Tramway or passing-place No. 3F, 4·35 chains in length, commencing in the centre of and opposite the fence between Nos. 149 and 151 in the Deptford Lower Road, and terminating in the centre of and opposite to the centre of the door of No. 124 in that road:

Tramway or passing-place No. 3G, 1·75 chains in length, commencing by a junction with the intended Tramway No. 13, 25 feet or thereabouts from the termination thereof, and terminating by a junction with Tramway No. 8, 20 feet or thereabouts from the termination thereof:

Tramway No. 4, 1 mile 0 furlongs 4·45 chains in length, commencing at the termination of Tramway No. 3 and passing along the Deptford Lower Road and Evelyn Street, Deptford, and terminating at the east end of Evelyn Street:

Tramway or passing-place No. 4A, 1·85 chains in length, commencing in the centre of Deptford Lower Road, opposite the corner of the footway on the south side of Croft Street, and terminating in the centre of Deptford Lower Road and opposite to a wooden fence between Nos. 331 and 333 in that road:

Tramway or passing-place No. 4B, 2·50 chains in length, commencing in the centre of Deptford Lower Road, opposite the west side of a shop on the east side of Albion Street occupied by W. J. Poupard, and terminating in the centre of Deptford Lower Road, opposite the front door of the "Windmill" public-house:

Tramway or passing-place No. 4C, 5·70 chains in length, commencing in the centre of Deptford Lower Road, opposite the east gate-post of the entrance to the timber yard on the north side of that road, near to the Grand Surrey Canal, and passing over Blackhorse Bridge, and terminating in the centre of Evelyn Street, opposite to the entrance to the building marked "London City Mission":

Tramway or passing-place No. 4D, 2·60 chains in length, commencing in the centre of Evelyn Street, opposite to the east side of the entrance to the carriage works between 76 and 77, Evelyn Street, and terminating in the centre of Evelyn Street, opposite the south-west corner of the "Globe" public-house:

Tramway or passing-place No. 4E, 4·20 chains in length, commencing in the centre of and opposite to the east side of the gateway between Nos. 216 and 217 in Evelyn Street, and terminating in the centre of Evelyn Street and opposite to the passage on the west side of No. 235 in that street:

Tramway or passing-place No. 4F, 1·20 chains in length, commencing in the centre of Evelyn Street, opposite the division

A.D. 1879.

between Attwood's Fancy Repository and the Mechanics' Coffee and Dining Rooms, and terminating 33 feet or thereabouts south from the lamp-post at the north angle of Evelyn Street and New King Street and 26 feet from the east face of the south side of No. 2, New King Street:

Tramway No. 8, 1 mile 4 furlongs 2·45 chains in length, commencing at the termination of Tramway No. 1 and passing along Grange Road, Blue Anchor Road, part of Jamaica Level, and curving into Raymouth Road, and thence into Rotherhithe New Road, and terminating by a junction with Tramway No. 4 at the commencement thereof:

Tramway or passing-place No. 8A, 1·25 chains in length, commencing by a junction with Tramway No. 2, 44 feet from the commencement thereof and 12 feet from the footway on the north side of Grange Road, and terminating in the centre of and opposite the division between shops Nos. 157 and 158 in that road:

Tramway or passing-place No. 8B, 2·70 chains in length, commencing in the centre of Grange Road and opposite the division between Nos. 113 and 112 in that road, and terminating in the centre of Blue Anchor Road, opposite the west side of the Corrugated Ironworks:

Tramway or passing-place No. 8C, 2·60 chains in length, commencing in the centre of Blue Anchor Road and opposite the west face of No. 70 in that road, and terminating in the centre of that road, opposite the division between Nos. 84 and 86 in that road:

Tramway or passing-place No. 8D, 1·85 chains in length, commencing in the centre of Blue Anchor Road, opposite the centre of Monnow Road, and terminating in the centre of Blue Anchor Road, opposite the division between Nos. 151 and 153 in that road:

Tramway or passing-place No. 8E, 2·35 chains in length, commencing in the centre of Blue Anchor Road, opposite the division between Nos. 278 and 280 in that road, and terminating in the centre of that road under the westernmost main girder of the railway bridge over that road:

Tramway or passing-place No. 8F, 2·40 chains in length, commencing in the centre of Raymouth Road, opposite the division between Nos. 64 and 66 in that road, and terminating in the centre of that road, opposite the division between Nos. 55 and 57 in that road:

Tramway or passing-place No. 8G, 2·40 chains in length, commencing in the centre of Rotherhithe New Road, opposite the division between Nos. 165 and 167 in that road, and terminating in the centre of that road, opposite the division between Nos. 147 and 149 in that road:

Tramway or passing-place No. 8H, 2·25 chains in length, commencing in the centre of Rotherhithe New Road, opposite the division between Nos. 8 and 10, Westfield Terrace, in that road, and terminating in the centre of that road and 20 feet from the junction of the intended Tramway No. 13 with the intended Tramway No. 8:

Tramway No. 9 (short junction), 1·20 chains in length, commencing at the commencement of Tramway No. 1 and curving thence into the Old Kent Road, and terminating by a junction with the down line of the existing tramway in the Old Kent Road, opposite to the lamp-post standing at the angle formed by the New and Old Kent Roads:

Tramway No. 10 (short junction), 1·30 chains in length, commencing by a junction with the down line of the last above-named existing tramway, opposite the milestone one mile from London Bridge, and terminating by a junction with the up line of the existing tramway in that road, opposite the south side of York Street:

Tramway No. 11 (short junction), 1·65 chains in length, commencing at the commencement of Tramway No. 1 and passing thence into the New Kent Road, and terminating by a junction with the down line of the existing tramway there, opposite to the lamp-post standing at the angle formed by the New and Old Kent Roads:

Tramway No. 12 (short junction), 1·25 chains in length, commencing by a junction with the down line of the existing tramway in the New Kent Road, opposite the east side of the railway and general booking-office there, and terminating by a junction with the up line of the existing tramway in that road 25 feet west from a point opposite the angle of the fence forming the west side of the entrance to Paragon Mews:

Tramway No. 13 (short junction), 1·55 chains in length, commencing in Rotherhithe New Road by a junction with Tramway No. 8 at a point 120 feet from the termination thereof, and 18 feet from the footway on the north side of that road, thence curving into Deptford Lower Road, and terminating by a junction with the intended Tramway No. 3 in the centre of that road, and opposite to the post office letter box at No. 196 in that road.

A.D. 1879.

All the tramways hereby authorised shall consist of a single line of tramway, and will be situate in or pass through or into the parishes, townships, or places following, some or one of them; that is to say, Saint George the Martyr Southwark, Bermondsey, and Rotherhithe, all in the county of Surrey; and Saint Paul Deptford and Saint Nicholas Deptford, both in the county of Kent.

Protecting bridges over East London Railway.

6. In constructing the tramways upon the bridges carrying the Deptford Lower Road and the Rotherhithe New Road respectively over the East London Railway the following provisions shall apply:

(A.) The Company shall give one month's notice to the East London Railway Company of the intention to commence the construction of the tramways upon the said bridges, and shall at the same time send sufficient plans, sections, specifications, or other information to show the nature of the interference with the said bridges respectively:

(B.) If the engineer of the East London Railway Company shall be of opinion that the mode proposed of constructing the tramways will render the bridges or either of them insecure, or injure them or either of them, and no method is agreed on of constructing the tramways to the satisfaction of the said engineer, the matter shall be referred to some engineer to be agreed upon between the parties, or if they cannot agree, to be appointed, upon the application of either party, by the President for the time being of the Institution of Civil Engineers in London. The award of such referee shall be binding on both companies, and all costs, charges, and expenses of and attending such reference shall be borne as he shall direct:

(C.) The works on each of the said bridges shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the East London Railway Company:

(D.) Any additional expense in the maintenance of either of the said bridges or of the roadways on the same, or of the approaches thereto respectively, occasioned by the construction, use, and maintenance of the tramways shall be borne by the Company:

(E.) Notwithstanding anything in this Act contained, the Company shall be responsible for and make good to the East London Railway Company all costs, losses, damages, and expenses which may be occasioned to the railways belonging to or worked or used by the East London Railway

Company, or to any of the works or property thereof, or to the traffic thereon, or to any person or person using the same or otherwise, by reason of the execution or failure of the tramways by this Act authorised, and the works in connexion therewith, or of any act or omission of the Company, or of any of the persons in their employ, or of their contractors or others, and the Company shall effectually indemnify and hold harmless the East London Railway Company from all claims and demands upon or against them by reason of such execution or failure, and of any such act or omission:

(f.) If any difference arise between the two companies touching any matter under this section, such difference shall be determined by an arbitrator to be agreed on between the two companies, or in default of agreement to be appointed, on the application of either of them, by the President for the time being of the Institution of Civil Engineers, and the costs of the arbitration shall be borne as he shall direct.

For the protection of the Surrey Commercial Dock Company.

7. For the protection of the Surrey Commercial Dock Company (herein-after called the dock company) the following provisions shall be observed and shall have effect; that is to say,

(1.) The Company shall not construct or commence the construction of so much of Tramways Nos. 4 and 4c as is proposed to be laid over the Black Horse Bridge crossing the Surrey Canal, in the parish of St. Paul Deptford, in the county of Kent, until they shall have furnished the dock company with plans, sections, and other necessary particulars of the said tramways and works over the said bridge, nor until the dock company shall have signified their approval of the same under their common seal, such approval not to be withheld without reasonable cause:

(2.) On such approval being obtained the said tramways over the said bridge shall be constructed and laid by the Company under the superintendence and to the reasonable satisfaction of the engineer of the dock company:

(3.) When such tramways shall have been so constructed the Company shall, to the like satisfaction, make up and for ever after maintain the entire roadway from kerb to kerb over the said bridge, and the said roadway shall be the road which shall at all times be maintained in good repair and condition within the intent and meaning of this Act

A.D. 1879.

and the Tramway Act, 1870; and if by reason of the construction of the said tramways over the said bridge, or the traffic thereon, the structure thereof shall be injured or damaged, the Company shall forthwith make good such injury or damage to the satisfaction aforesaid; and in the event of the Company failing so to make up and maintain the said roadway or to make good such injury or damage, the dock company shall be entitled to make up and maintain the said roadway and to make good such injury or damage, and the costs incurred by the dock company in so doing shall be a debt due to the dock company by the Company:

(4.) The Company may agree with the dock company and the road or other authority or authorities for the alteration, improvement, and enlargement of the said bridge and the approaches thereto, and may contribute to the cost thereof, and in the event of the said bridge being so altered, improved, or enlarged, and it being necessary to remove and relay the tramway thereon, the foregoing provisions as to the original construction of the said tramways shall be applicable and binding as to such removal and relaying:

(5.) If any difference arise between the Company and the dock company touching any matter under this section, such difference shall be determined by an arbitrator to be agreed on between the Company and the dock company, or in default of agreement to be appointed, on the application of either of them, by the President for the time being of the Institution of Civil Engineers, and the costs of the arbitration shall be borne as he shall direct.

Capital.

8. The capital of the Company shall be seventy thousand pounds in seven thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

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

Calls.

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

Receipt clause in case of persons not sui juris.

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

Power to divide shares.

12. 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.

13. 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 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 shares to be paid out of the profits of the year only.

14. Each preferred half share shall be entitled out of the profits 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.

15. 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;

A.D. 1879.

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.

Terms of issue to be stated on certificates.

16. 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.

Provisions of 8 & 9 Vict. c. 16. with respect to forfeiture of shares to apply to preferred half shares.

17. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for non-payment 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 shares not to be cancelled or surrendered.

18. 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.

19. 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.

20. 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 other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a receiver.

21. 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.

Mortgages to comprise purchase money paid on compulsory sale.

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

Notice to be indorsed on mortgage deed.

23. Every mortgage deed to be granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways in the event of their being purchased by the local authority under section 43 of the Tramways Act, 1870.

As to debenture stock.

24. The Company shall not create debenture stock.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

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

Qualification of directors.

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

Quorum.

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

First directors.

30. Christopher James, Henry Lee Corlett, William Frederick Wigg, Henry Currer Briggs, and William Henry Lethbridge shall

A.D. 1879.

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.

Period for compulsory purchase of lands.

31. 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.

Purchase of lands by agreement.

32. The Company may, in addition to the lands which they are by this Act authorised to purchase by compulsion, purchase and acquire by agreement such lands as they may require for their undertaking, not exceeding in the whole three acres.

Certain easements may be conveyed to Company.

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

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

34. 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 and twenty-five pounds, being five per centum upon the amount of the estimate in respect of the tramways comprised in the Bill for this Act, was 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 since the said sum of three thousand and twenty-five pounds 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-four thousand pounds, five per centum upon which is equal to two thousand two hundred pounds: Be it enacted, that, notwithstanding anything contained in the Act first in this section mentioned, the sum of two thousand two hundred pounds (in this Act referred to as the deposit fund), part of the said sum of three thousand and twenty-five pounds, 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 that Act, or the survivors or survivor of them (which persons, survivors, or survivor are or is in this Act referred to as the depositors), unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways, open the tramways for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby 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.

35. 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

A.D. 1879.

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.

Period for completion of works.

36. The tramways by this Act authorised 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.

Certain tramways may be removed to streets to be formed by Metropolitan Board of Works. 40 & 41 Vict. c. ccxxxv.

37. If and whenever the Metropolitan Board of Works shall, under the powers of the Metropolitan Street Improvement Act, 1877, make and complete the Jamaica Road and Union Road improvement authorised by that Act, the Company may remove the Tramways Nos. 3, 3B, and 3D herein-before described, and lay the same along the new street or streets to be formed or laid down by the Metropolitan Board of Works in carrying the Jamaica Road and Union Road improvement into effect, or along some or one of those streets, instead of along Jamaica Road and Union Road, or one of them.

Further provision as to construction of tramways.

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

Mode of formation of tramways.

39. Subject to the provisions of this Act, every tramway to be made or laid down under this Act shall be constructed with the best materials and with two grooved steel rails, or with improved rails if required by the Board of Trade, on a gauge of four feet eight and a half inches, and shall be laid and maintained in such a manner that the uppermost surface of the rail shall be on a level with the surface of the street or road.

Company may be required to use improved form of rail.

40. 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 into effect any such improvements.

Correction of errors in deposited plans and books of reference.

41. 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 or the county

A.D. 1879.

of Kent, as the case may be, 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 or the county of Kent, as the case may be, 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) in respect of each parish in which the lands affected thereby are situate, and such certificate and duplicate respectively shall be kept by such clerks of the peace and vestry clerks or clerks of District Boards of Works respectively with the other documents to which the same relate, and thereupon the 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.

Inspection by Board of Trade.

42. 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 a level with surface of roads.

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

Penalty for not maintaining rails and road in good condition.

44. 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 on any road, the rails of the tramways and the substructure on which the same rest; and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues, and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in this section contained, or with any of the requirements of section 28

of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then, and in every such case, a copy of such report, certified by a secretary or an assistant secretary of the Board of Trade, 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 section imposed.

Sewer authority to have access to sewers.

45. 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.

Power to make additional crossings, passing-places, &c., where necessary.

46. 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, engine-sheds, 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.

Application of road materials excavated in construction of works.

47. Any paving, metalling, or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act, 1870, required to maintain, and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or re-

A.D. 1879.

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

Temporary tramways.

48. Where by reason of the execution of any work affecting the surface or soil of the road along which any tramway is laid it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Company shall, within fourteen days of receiving an order in writing from any road authority under the hand of their clerk or secretary, discontinue or take up such tramway for such term as may be necessary for the execution of the said work: Provided that the Company may, with the sanction of the road authority, and subject to such conditions and in accordance in all respects with such regulations as they, the said road authority, may from time to time make or prescribe, construct on the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued to be used.

Power for the Company to build offices, &c., and to sell or let and repurchase lands.

49. The Company may build upon any lands to be purchased or acquired by them for their undertaking such offices, stables, sheds, carriage-houses, and other buildings as may be necessary or expedient for their undertaking, and the Company may sell the lands to be purchased or acquired by them for their undertaking, or any part thereof, in such manner, for such price, and at such rent as they may think fit, and again purchase or acquire other lands for their undertaking, and afterwards sell the same, and so from time to time, but nevertheless the total quantity of land to be held at any one time by the Company for their undertaking shall not exceed three acres.

Tolls for passengers.

50. The Company may demand and take for every passenger travelling upon any of the tramways, or any part or parts thereof respectively, including tolls for the use of the tramways and of carriages and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile, and in computing the said tolls and charges the fraction of a mile shall be deemed a mile, but in no case shall the Company be bound to charge a less sum than twopence.

Passengers luggage.

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

Small parcels.

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

For every parcel not exceeding seven pounds in weight, threepence;

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

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

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

Goods, &c. Company not bound to carry.

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

Cheap fares for labouring classes.

54. The Company at all times after the opening of the tramways for public traffic shall, and they are hereby required to, run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient, for artizans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company, nevertheless, not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages, the Board shall have power to fix and regulate the same from time to time.

A.D. 1879.

Periodical revision of tolls.

55. 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.

Form and delivery of notices.

56. With respect to the notices to be given by or to the Company, and to the delivery thereof by or to the Company, the following provisions shall have effect; namely,

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by any local authority or any road authority shall be sufficiently authenticated by being signed by their clerk or secretary.

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

Interest not to be paid on calls paid up.

57. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by

him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

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

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

Company not exempt from provisions of present and future general Acts.

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

Expenses of Act.

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

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