CHAPTER clxxiii.

An Act to authorise the Southwark and Deptford Tramways Company to construct additional Tramways, to raise further Capital and for other purposes. A.D. 1881.

[18th August 1881.]

WHEREAS by the Southwark and Deptford Tramways Act 1879 (in this Act called "the Act of 1879") the Southwark and Deptford Tramways Company (in this Act called "the Company") was incorporated with a share capital of £70,000 and power to borrow on mortgage £17,500 and were authorised to construct various tramways: 42 & 43 Vict. c. lxxii.

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

And whereas plans and sections showing the situation lines and levels of the tramways authorised by this Act with a book of reference to the 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 book of reference.

And whereas the objects of this Act cannot be attained 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:—

1. This Act may be cited as the Southwark and Deptford Tramways Act 1881. Short title.

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

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

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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 non-payment 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 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.
32 & 33 Vict. c. 48.
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.

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 and may enter upon take and use the lands delineated on the deposited plans and described in the

deposited books of reference. The tramways herein-before referred to and authorised by this Act are :—

Tramway No. 1 (a single line except at the passing places next herein-after described where it may be a double line) 2 furlongs 7·80 chains in length commencing by a junction with the existing tramway of the Company in Jamaica Road at a point opposite the shop No. 85 in that road passing along Parker's Row and terminating in the centre of Dockhead at a point 50 feet measured in a north-easterly direction from the east side of Arnold's Place;

A passing place 6·75 chains in length between the commencement of Tramway No. 1 and a point opposite to the division between Nos. 50 and 52 in Jamaica Road;

A passing place 2·15 chains in length between a point in Jamaica Road opposite the northern side of the public-house called the Lilliput Hall and a point in Parker's Row opposite the south corner of the public-house called the Prince Teck;

A passing place 2·10 chains in length between a point in Parker's Row opposite the division between Nos. 56 and 57 in that row and a point opposite the division between Nos. 58 and 59 Dockhead;

Tramway No. 2 (a double line except the last 30 feet thereof which will be a single line) 4 furlongs 8·10 chains in length commencing at the termination of the intended Tramway No. 1 and passing along the new street or streets authorised by the Metropolitan Street Improvements Act 1877 in place of part of Dockhead Thornton Street Freeschool Street part of Queen Elizabeth Street part of Fair Street and part of Tooley Street and terminating at a point opposite the entrance to the gas-fitter's shop numbered 67 in Tooley Street 29 feet 6 inches or thereabouts from that entrance; 40 & 41 Vict. c. ccxxxv.

Tramway No. 5 (a single line except at the passing place next herein-after described where it may be a double line) 1 furlong 3·10 chains in length commencing in the centre of Rotherhithe New Road by a junction with the Tramway No. 8 authorised by the Southwark and Deptford Tramways Act 1872 at a point opposite the division between Nos. 211 and 213 Rotherhithe New Road and terminating in that road opposite the eastern corner of the Victory public-house;

A passing place 3·65 chains in length between a point in Rotherhithe New Road 2 chains or thereabouts east of the eastern side of the bridge carrying the South London line of the London Brighton and South Coast Railway over that road and a point in that road 1 chain or thereabouts west of the western side of the same bridge;

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Tramway No. 7 (a single line except at the passing places next herein-after described where it may be a double line) 4 furlongs 1·45 chains in length commencing at the termination of Tramway No. 5 passing along Rotherhithe New Road and terminating in the centre of Saint James's Road opposite the centre of the eastern side of the public-house called the William the Fourth;

A passing place 2·28 chains in length between a point in Rotherhithe New Road 53 feet north-east of the eastern side of the Credon Road and a point in Rotherhithe New Road opposite the south-western side of the archway marked "Messrs. Large Farrance and Large leather dressers";

A passing place 2·25 chains in length between a point in Rotherhithe New Road about 1 chain east of the junction of Catlin Street with and opposite No. 16 Alice Terrace in that road and terminating in the centre of the same road opposite the dwelling-house adjoining the oil and colour shop occupied by William Knight;

A passing place 2·50 chains in length between a point in Rotherhithe New Road opposite the southern corner of the butcher's shop on the northern side of that road forming the angle between that road and Saint James's Road and a point in the centre of Saint James's Road opposite the division between Nos. 2 and 3 Hope Place in that road;

Tramway or passing place No. 8 (a single line) 2·30 chains in length commencing by a junction with the existing tramway of the Company in the Deptford Lower Road at a point opposite the south-east gate-post of the entrance to the stable adjoining Augusta House and terminating by a junction with the existing tramway of the Company in that road opposite the western side of Gomm Road;

Tramway or passing place No. 9 (a single line) 2·25 chains in length commencing by a junction with the existing tramway of the Company in the Deptford Lower Road opposite the division between Nos. 136 and 138 in that road and terminating by a junction with the same tramway opposite the division between Nos. 154 and 156 in that road;

Tramway or passing place No. 10 (a single line) 2·25 chains in length commencing in the centre of the Rotherhithe New Road by a junction with the Tramway No. 8 authorised by the Southwark and Deptford Tramways Act 1879 opposite the division between Nos. 89 and 91 Rotherhithe New Road and terminating by a junction with the same tramway in the centre of and opposite the door numbered 96 in that road;

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Tramway or passing place No. 11 (a single line) 2·28 chains in length commencing in the centre of the Southwark Park Road by a junction with Tramway No. 8 authorised by the Southwark and Deptford Tramways Act 1879 at a point opposite the division between Nos. 231 and 233 in that road and terminating in the centre of that road by a junction with the same tramway at a point opposite the division between Nos. 243 and 245 in that road;

Tramway No. 12 (a single line) 2·30 chains in length commencing by a junction with the existing tramway of the Company in the Spa Road at a point opposite the division between Nos. 107 and 109 in that road and terminating in the centre of the Spa Road by a junction with the Tramway No. 2 authorised by the Southwark and Deptford Tramways Act 1879 opposite the division between Nos. 91 and 93 in that road:

The herein-before described tramways will pass from through or into or be situate in the parishes of Bermondsey Rotherhithe Camberwell Saint Olave and Saint John Horsleydown in the county of Surrey some or one of them.

Construction of Tramway No. 2.

5. The following provisions shall apply and have effect with reference to the construction of Tramway No. 2:—

(1) The expression "Tooley Street widening" in this section means the widening of Tooley Street Freeschool Street Thornton Street Dockhead Hickman's Folly Parker's Row and Mill Street authorised by section 4 of the Metropolitan Street Improvements Act 1877;

(2) The Company shall not construct any part of the said tramway in any of the said streets but if within one month after the passing of this Act the Company give notice in writing to the Metropolitan Board of Works (in this section referred to as the Board) intimating their election that the said tramway shall be constructed the Board may and shall provide form and lay down the same and the sub-structure and rails thereof and shall execute such work (so far as the Tooley Street widening shall not be complete at the date of such notice) concurrently with and as part of the Tooley Street widening: Provided always that the said tramway shall be laid to the same gauge as the existing tramways of the Company and with rails of the same pattern as now used by the Company or of such other pattern as may be approved by the Board's engineer and in all respects in conformity with the provisions of this Act;

(3) The Company shall pay to the Board the expenses of forming and paving the roadway of the Tooley Street widening (whether

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completed or not completed at the date of such notice) between the outermost rails of the tramway and for a distance of 18 inches on either side thereof and also of constructing and laying down the said tramway within the Tooley Street widening and all costs and expenses incidental thereto the amount thereof in default of agreement to be determined as herein-after provided;

(4) The amount of the said costs and expenses shall be paid to the Board from time to time on demand by the Company and unless the same are paid within one month after such demand as aforesaid the Board may recover the amount due with interest at the rate of five per centum per annum in any court of competent jurisdiction;

(5) Any difference which may from time to time arise between the Board and the Company with reference to anything in this section contained shall be determined by Mr. George Pownall of 29 Parliament Street Westminster or failing him by Sir Henry Arthur Hunt C.B. or failing him by an arbitrator to be appointed by the Board of Trade and the provisions of the Railways Clauses Consolidation Act 1845 shall so far as applicable apply to the settlement of any disputes under this section.

8 & 9 Vict. c. 20.

Power to apply existing funds.

6. 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 the Act of 1879 and which may not be required for the purposes to which by that Act those moneys are made applicable.

Power to raise additional capital.

7. 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.

8. The provisions of the sections of the Act of 1879 numbered from 9 to 19 (both numbers inclusive) shall apply to the shares in the additional capital by this Act authorised to be raised.

Power to borrow.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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

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the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand five hundred pounds in the whole.

Company not to create debenture stock.

15. The Company shall not create debenture stock.

Priority of mortgages over other debts.

16. 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 the Act of 1879 or any claim for land taken used or occupied by the Company for the purposes of this Act or the Act of 1879 or injuriously affected by the construction of the works of or by the exercise of any powers conferred on the Company.

Application of moneys.

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

Period for completion of works.

35 & 36 Vict. c. clxiii.

18. The tramways other than Tramway No. 2 shall be completed within two years from the passing of this Act and Tramway No. 2 shall be completed within two years from the completion of the Tooley Street improvements authorised by the Metropolitan Street Improvements Act 1872 and on the expiration of those periods respectively the powers by this Act granted to the Company for executing the tramways respectively 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.

19. 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 one thousand nine hundred and eight pounds consolidated three pounds per centum annuities being equal to five per centum upon the amount of the estimate in respect of the tramways has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund: Be it enacted that notwithstanding anything contained in the said Act the said deposit fund or the balance thereof as the case may be 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.

20. 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 tramway or any portion thereof and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and 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

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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.

Mode of formation of tramways.

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

Company may be required to use improved form of rail.

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

Inspection by Board of Trade.

23. 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.

24. 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.

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 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.

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 be for every such offence 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.

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.

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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.

Sewer authority to have access to sewers.

29. 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.

30. If and whenever in the opinion of the Metropolitan Board of Works it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways of the Company constructed under this or any other Act or the roadway in which the same shall be made the said Board may without any consent or concurrence on the part of the Company enter upon and interfere with such tramways or roadway after having given except in case of emergency at least one month's previous notice in writing to the Company of their intention so to do and the Company shall during the execution of any such works either suspend the traffic upon such tramway or make provision at their own expense for carrying on the same in a manner satisfactory to the engineer of the said Board so as not to interfere with any such work and shall have no claim for compensation against the said Board.

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

31. 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.

32. 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.

Application of road materials excavated in construction of works.

33. Subject to the provisions of this Act 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 required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person 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.

34. 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

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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.

Bells &c. not to be used without consent of road authority.

35. The Company shall not use or permit to be used any bell or other similar thing attached to their carriages horses or harness without the consent in writing under their common seal of the road authority.

Protection of the vestry of Bermondsey.

36. For the protection of the vestry of Bermondsey (in this section referred to as the vestry) the following provisions shall be observed and have effect with regard to such of the tramways by this Act authorised as are within the parish of Bermondsey except Tramway No. 2:—

(1) Subject to the provisions of this Act the rail to be used shall be similar to that which has already been laid down by the Company with the approval of the Board of Trade in the parish of Bermondsey;

(2) Subject to the provisions of this Act the mode and size of paving and rail and the construction of Tramway No. 12 shall be the same as that of the line laid down already in Spa Road Bermondsey and if at any time within two years from the construction of that tramway a resolution shall be passed by the vestry declaring that that tramway is an interference with public traffic the Company shall within two months after service of notice in writing by the vestry requiring the removal thereof take up and remove the same accordingly and lay down the tramway at that point in the line which is shown on the plans deposited in respect of the works authorised by the Act of 1879 and in default of so doing the vestry may execute the works and recover the costs thereof as a penalty under section 56 of the Tramways Act 1870;

(3) Before commencing the construction of any works the Company shall submit plans sections and detailed drawings showing the proposed passing places and give notice to the vestry of their intention to proceed with the works for the

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approval of the vestry and the works shall not be commenced without the approval in writing of the vestry unless the vestry shall fail for twenty-eight days to signify their approval or disapproval or to give other directions with regard to the works. In case of any difference between the vestry and the Company the same shall be determined in manner provided by the Tramways Act 1870 with regard to any difference between promoters of a tramway and a road authority;

(4) The Company shall take up the existing carriage way along which the tramways are by this Act authorised to be constructed to the width of the tramways and three feet additional beyond the outside rail on each side and shall deliver the materials to the vestry at such places within the parish as the vestry shall direct the said material to be and remain the property of the vestry;

(5) The Company shall pave the space between the rails and three feet outside the outer rail on either side with four inch by seven inch well dressed new Aberdeen or Guernsey granite setts upon such depth of concrete as the vestry shall think requisite but in no case less than six inches;

(6) The Company shall bear the expense of and repay to the vestry all costs and charges incident to the setting back the kerb for a space not exceeding twelve inches on the west side of Parker's Row between Abbey Street (lately called Neckinger Road) and Charles Street in the manner shown on a plan signed in duplicate on behalf of the vestry by George Elkington surveyor to the vestry and on behalf of the Company by William Shelford engineer to the Company and if the vestry widen and improve the roadway at or near Star Corner the Company shall contribute one moiety not exceeding one thousand pounds of the expense of and incident thereto and shall make such deviation or alteration in the position of the tramway at Star Corner as may be necessary or desirable in consequence thereof.

Protection of the vestry of Rotherhithe.

37. For the protection of the vestry of Rotherhithe in this section referred to as the vestry the following provisions shall be observed and have effect:—

(1) Subject to the provisions of this Act the rail to be used throughout the whole of the parish of Rotherhithe shall be similar to that which has already been laid down by the Company with the approval of the Board of Trade in that parish;

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(2) Before commencing the construction of the tramways or passing places Nos. 8 and 10 authorised by this Act the Company shall submit plans sections and detailed drawings thereof and obtain the approval of the vestry thereto and before commencing all other works the Company shall submit plans sections and detailed drawings of the line showing the proposed passing places and give notice to the vestry of their intention to proceed with the works and the works shall not be commenced without the approval in writing of the vestry unless the vestry shall fail for twenty-eight days to signify their approval or disapproval or to give other directions with regard to the works. In case of any difference between the vestry and the Company the same shall be determined in manner provided by the Tramways Act 1870 with regard to any difference between promoters of a tramway and a road authority;

(3) The Company shall take up the existing carriageway in the parish of Rotherhithe along which the tramways are by this Act authorised to be constructed to the width of the tramways and three feet additional beyond the outside rail on each side and shall deliver the material to the vestry at such place in the parish or within two miles of the parish as the vestry shall direct the said material to be and remain the property of the vestry;

(4) The Company shall construct the said passing place No. 8 subject to the approval of the vestry and in such manner as the vestry shall determine and shall in paving the works in connexion therewith use the same size of setts and otherwise conduct the same in like manner as the line already laid down in that part of the road;

(5) The Company shall in the other roads within the parish of Rotherhithe over which any of the tramways authorised by this Act shall be constructed pave the space between the rails and three feet outside the outer rails on either side with four inches by seven inches well dressed new Aberdeen or Guernsey granite setts upon such depth of concrete as the vestry shall think requisite but in no case less than six inches.

Protection of the vestry of Camberwell.

38. For the protection of the vestry of Camberwell (in this section referred to as the vestry) the following provisions shall be observed and have effect:—

(1) If the Company make default in keeping the tramways in the parish of Camberwell in good repair to the satisfaction of

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the vestry and shall neglect forthwith to make such reasonable repairs as the vestry shall by notice in writing under the hand of their clerk or surveyor require the vestry shall be at liberty to cause an estimate to be made of the expense of making such repairs and the Company shall within one week from the delivery of that estimate deposit the amount thereof with the vestry and the vestry shall thereupon have those repairs forthwith effected and in case the sum so deposited shall exceed the actual cost of the repairs the difference shall be repaid by the vestry to the Company and in case the cost of the repairs shall exceed the amount deposited the difference shall be repaid by the Company to the vestry. In default of deposit by the Company of the amount of such estimate as aforesaid or in the event of that amount being insufficient to effect the repairs aforesaid the vestry may recover the same in manner provided by the 77th section of the Metropolitan Management Amendment Act 1862. 25 & 26 Vict. c. 102.

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

39. 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.

40. The Company shall not be bound to carry on the tramways passengers luggage exceeding the weight in that behalf mentioned in the Act of 1879 nor any parcel and shall not carry goods or animals.

Cheap fares for labouring classes.

41. 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 nor earlier than six in the evening respectively as the road authority think most convenient for artisans 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

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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.

42. 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.

Extension of time for completion of certain works.

43. The time limited for the completion of the tramways numbered respectively 1 and 8 with the passing places connected therewith numbered respectively 1 to 1c and 8A to 8G inclusive authorised by the Act of 1879 shall be and the same is hereby further extended and enlarged until the third day of July one thousand eight hundred and eighty-two and that period shall for all purposes be deemed to be the period limited by the Act of 1879 for the completion of those tramways: Provided that if those tramways shall not be completed within the period limited by this Act then on the expiration of such period the powers of 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.

Saving rights of Metropolitan Board of Works to stop up streets. 18 & 19 Vict. c. 120.

44. 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 Local 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.

45. 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.

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

46. 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.

47. 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 or tolls or charges authorised by this Act.

Costs of Act.

48. 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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