



CHAPTER ccix.

An Act for empowering the Southwark and Deptford
Tramways Company to construct New Tramways and to
change the Name of the Company and for other purposes. A.D. 1891.
[5th August 1891.]

WHEREAS it is expedient that the Southwark and Deptford
Tramways Company (herein-after called "the Company")
should be authorised to lay down and maintain the new tramways
in this Act described in connexion with their existing tramways
in Deptford Greenwich and Bermondsey and to raise additional
capital for that and other purposes :

And whereas plans and sections showing the lines and levels and
indicating the position in the streets along which they are to be laid
down of the tramways and works authorised by this Act and books
of reference to those plans were deposited with the clerk of the
peace for the county of London and those plans sections and books
of reference are in this Act referred to as the deposited plans sections
and books of reference respectively :

And whereas it is expedient that the time limited by the South-
wark and Deptford Tramways Act 1889 (herein-after called "the
Act of 1889") for the completion of the works thereby authorised
should be extended :

And whereas it is expedient to change the name of the Company :

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 for all purposes as the London Short title.
Deptford and Greenwich Tramways Act 1891.

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Incorporation of
general
Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) The Lands Clauses Acts (except the provisions thereof with respect to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) section 3 (interpretation of terms) section 19 (Local Authority may lease or take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ; and

The provision to be made for affording access to the special Act :

And Part I. (cancellation and surrender of shares) Part II. (additional capital) and Part IV. (change of name) of the Companies Clauses Act 1863.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "the tramways" shall mean the tramways and works by this Act authorised :

The expression "the undertaking" shall mean the undertaking of the Company as authorised by any other Acts relating to the Company and this Act :

The expression "mechanical power" shall mean electrical or other mechanical power including ropes cables or wires laid below the surface of the ground but excluding steam locomotives :

For the purposes of this Act the word "contingencies" in section one hundred and twenty-two of the Companies Clauses Consolidation Act 1845 shall be construed to include the contingency of the undertaking being sold to the local authority under section forty-three of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act and in any Act wholly or in part incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1891.

4. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are as follows and are respectively distinguished on the deposited plans and sections by the numbers herein-after set forth (that is to say):— Power to
make tram-
ways.

Tramway No. 1 commencing by a junction with the existing tramways of the Company in Evelyn Street Deptford at a point ten yards or thereabouts from their termination passing thence along a new street intended to be constructed by the London County Council from Evelyn Street to Creek Road Deptford thence along Creek Road Creek Bridge and Bridge Street and terminating in Church Street Greenwich opposite the "Eight Bells" public-house:

Tramway No. 1 will be 6 furlongs 2·30 chains in length of which 5 furlongs 1·96 chains will be double line and 1 furlong 0·34 chains will be single line:

Tramway or passing place No. 2 (described on the deposited plans as Tramway No. 3) (a double line) 3·27 chains in length in Jamaica Road commencing by a junction with the existing tramways of the Company opposite the centre of Farncombe Street and terminating by a junction with the existing tramway of the Company opposite the east side of the shop No. 100 Jamaica Road:

Tramway or passing place No. 3 (described on the deposited plans as Tramway No. 4) (a single line) 2·05 chains in length in Grange Road commencing by a junction with the existing tramway of the Company opposite the division between the shops Nos. 18 and 19 Grange Road and terminating by a junction with the same tramway opposite the shop No. 204 Grange Road:

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Tramway or passing place No. 4 (described on the deposited plans as Tramway No. 6) (a double line) 2·25 chains in length in Jamaica Road commencing by a junction with the existing tramway of the Company opposite the house No. 26 Jamaica Road and terminating by a junction with the same tramway opposite the shop No. 55 Jamaica Road.

Contribution
by Company
towards
new street
and im-
provement
of Creek
Bridge.

5. And whereas Tramway No. 1 by this Act authorised is intended to be laid along a new street proposed to be constructed by the London County Council from Evelyn Street to Creek Road Deptford as described in and authorised by the London Council (General Powers) Act 1891 and also over Creek Bridge Deptford and the Company have agreed not to construct the said tramway either through the said street or over the said bridge until they have made the contributions herein-after mentioned Therefore the construction of Tramway No. 1 shall not be commenced until the Company shall have paid to the Greenwich District Board of Works the sum of ten thousand pounds as a contribution towards the cost of the said new street and until the said bridge shall have been reconstructed or improved in such manner as the London County Council think necessary to adapt it for the construction of Tramway No. 1 over such bridge and the Company shall have paid to the London County Council the sum of two thousand pounds towards the cost of such reconstruction or improvement :

Provided always that the London County Council shall not require the payment of the said sum of two thousand pounds unless they shall have resolved to reconstruct or improve the said bridge in such manner as to render it suitable without further alteration for laying a tramway thereon.

Mode of
formation of
tramways.

6. Subject to the provisions of this Act every tramway to be made formed 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 and no tramway shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Company
may be
required to
use improved
form of
rail.

7. The rails of the tramways shall be such as the Board of Trade approve and the Board of Trade may from time to time upon the application of the local or road authority of any district in which any or any part of the tramways is situated require the Company to adopt and apply such improvements in the tramways including the

rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying into effect any such improvements. A.D. 1891.

8. 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 sub-structure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section twenty-eight of the Tramways Act 1870 they shall 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 fifty-six 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. Penalty for not maintaining rails and roads in good condition.

9. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions of this Act as to maintaining and keeping in good condition and repair the rails of the tramways and the sub-structure upon which the same rest or with any of the requirements of section twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this Act imposed. Appeal to the Board of Trade.

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

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Traffic to be suspended during works of drainage.

11. If and whenever in the opinion of the London County Council 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 council 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 council so as not to interfere with any such work and shall have no claim for compensation against the said council.

Tramways to be always kept on level with surface of roads.

12. 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 tramways 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 provisions as to construction of tramways.

13. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of making forming and laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of construction and a statement of the materials intended to be used therein and the Company shall not commence the construction of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the said Board and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

Power to make additional crossings &c.

14. 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 for a distance of thirty feet or upwards 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. A.D. 1891.

15. Every local or 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 local or sewer authority as if the same were a pipe for the supply of gas or water. Local or sewer authority to have access to sewers.

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any tramway authorised by this Act is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent of the local authority and subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued: Temporary tramways may be made when necessary.

If any difference arise between the Company and any road authority under this section the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

17. If and whenever the London County Council shall require to alter or widen any part of a street in which any tramway of the Company is laid the said council may if they think fit (having given at least one month's previous notice in writing to the Company of their intention so to do) require the Company to alter any such tramway or portion of tramway or to remove the same to such position as the said council may require and the Company shall with As to altering and widening part of street in which tramway is laid if required.

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A.D. 1891. all reasonable despatch proceed to alter or remove such tramway or portion of tramway either temporarily or permanently accordingly at their own expense and without any claim for compensation against the said council in respect of such removal or alteration for any loss of traffic or otherwise consequent thereon. Provided always that in making any permanent alteration or removal under this section no rail shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road.

Saving rights of London County Council to stop up streets.

18. 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 of the London County Council under the Metropolis Management Act 1855 or any other Act as to stopping for public traffic any road or street under the jurisdiction of the said council or for the purpose of constructing repairing and maintaining the sewers along or under any such road or street.

Application of road materials excavated in construction of works.

19. Any paving metalling or material excavated by the Company in the construction of the tramways 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 re-instating 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 twenty-eight 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 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.

Power to raise additional capital.

20. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole thirty-two thousand pounds by the issue at

their option of new ordinary shares or stock but the Company shall not issue any share of less nominal value than ten pounds nor shall any share or stock 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 or the whole of such stock shall have been paid in respect thereof. A.D. 1891.

21. The prescribed rate of dividend on the preference shares or stock of the Company or any part thereof created under the authority of any Act of the Company already passed shall be such rate not exceeding eight pounds per centum per annum as shall be determined at the general meeting of the Company convened for the purpose of authorising the creation of such shares or stock or any part thereof. Rate of dividend to be attached to authorised preference shares or stock.

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

23. The provisions of sections twelve to nineteen both inclusive of the Southwark and Deptford Tramways Act 1879 shall apply to the shares in the additional capital by this Act authorised to be raised. Certain sections of Act of 1879 applied to new capital.

24. The Company may in respect of the additional capital of thirty-two thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole eight thousand pounds Provided that in respect of each eight thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole two thousand pounds but no part of any of the before-mentioned sums of two thousand pounds shall be borrowed until shares for so much of the said portion of the said additional capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one half of such capital 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 shares for the whole of such portion of additional capital have been issued and accepted and that one half of such portion has been paid up and that not less than one fifth part of the amount of each separate share in such portion has been paid on account thereof before or at Power to borrow.

A.D. 1891. — the time of the issue or acceptance thereof and until stock for one half of so much of such portion of the additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares 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 certificate shall be sufficient evidence thereof.

Power to borrow for contribution to new road and bridge.

25. In addition to any sums which they are by this or any other Act authorised to borrow the Company may from time to time after the passing of this Act borrow on mortgage of the undertaking for the purposes of their contributions towards the cost of the new street from Evelyn Street to Creek Road Deptford and of the reconstruction or improvement of Creek Bridge Deptford provided for by this Act any sum or sums not exceeding in the whole twelve thousand pounds.

For appointment of a receiver.

26. Every provision in any Act passed before the passing of this Act whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver 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. 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 and in order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than five thousand pounds in the whole.

Existing mortgages to have priority.

27. All mortgages granted by the Company before the passing of this Act which shall be subsisting at the passing of this Act shall during the continuance thereof have priority over all mortgages granted under the authority of this Act.

Future mortgages to rank equally.

28. All mortgages granted by the Company after the passing of this Act whether under any previous Act or this Act or any subsequent Act shall subject to the provisions of any subsequent Act

rank *pari passu* without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the mortgages were authorised. All mortgages to which this enactment applies shall have notice of its effect clearly stated thereon. A.D. 1891.

29. The Company shall not create debenture stock.

Company not to create debenture stock.

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

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

32. If any money be payable to any shareholder stockholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company for the same. Receipts on behalf of incapacitated persons.

33. All moneys raised under this Act whether by shares stock or borrowing shall be applied only for the purposes of this Act and for the general purposes of the Company's undertaking being in every case purposes to which capital is properly applicable. Application of moneys.

34. The Company may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any moneys which they may have raised or may hereafter raise under the authority of any previous Act and which may not be required for the purposes to which by such Act those moneys were made applicable. Power to apply funds.

35. The tramways other than Tramway No. 1 shall be completed within two years from the passing of this Act and Tramway No. 1 shall be completed within two years from the completion of the said new street from Evelyn Street to Creek Road Deptford and the reconstruction or improvement by the London County Council of Creek Bridge Deptford so as to render it suitable for laying a tramway thereon and on the expiration of those periods respectively the powers by this Act granted to the Company for executing the tramways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

36. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her Deposit money not to be repaid

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—
except so
far as tram-
ways are
opened.

present Majesty chapter twenty a sum of seven hundred and thirty-nine pounds being equal to five per centum upon the amount of the estimate in respect of the tramways has been deposited with the Paymaster General for and on behalf of the Supreme Court 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 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 tramway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramway so opened bears to the entire length of the tramways hereby authorised the High 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.

37. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete and open the same 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 may have 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 shall have been paid and also in compensating all road authorities for the expense incurred by them in taking up any such tramway or materials connected there-

with 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 High Court may seem fit:

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And if no such compensation shall be 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 if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors.

38. The time now limited by the Act of 1889 for the completion of the tramways described in and authorised by that Act is hereby extended until the expiration of a period of two years from the twelfth day of August one thousand eight hundred and ninety-one and sections 35 and 36 of the Act of 1889 shall be read and construed as if the time limited by this Act for the completion of the said tramways had been the time limited by the Act of 1889 for the completion thereof except that no part of any penalty to be incurred in respect of the said tramways under those sections shall be forfeited to Her Majesty but all sums of money to be recovered by way of penalty under the said sections shall (subject to the application thereof in payment of compensation or for the benefit of creditors as provided by the said section 36) be repaid to the Company.

Extending time for completion of tramways authorised by the Act of 1889.

39. 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:—

For the protection of the vestry of Bermondsey.

- (1) If at any time after the construction by the Company of the Tramways Nos. 2 3 and 4 by this Act authorised the vestry alter the material used for paving the portions of roadway in which those tramways are laid the Company shall forthwith repave the space for the length of the said tramways between the rails thereof and three feet outside the outer rail on either side with the like material—not being wood paving—to that used by the vestry and shall deliver to the vestry at such places within the parish as the vestry shall direct all old material

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taken up by the Company for the purpose of such repaving such old material to be and remain the property of the vestry ;

- (2) From and after the passing of this Act the Company shall run at least four cars per hour during each hour of the day from eight o'clock in the morning till eight o'clock in the evening along their existing tramway in Spa Road or in default the Company shall within six months after service of notice in writing by the vestry requiring the removal of the said tramway take up and remove the same accordingly and restore and make good the roadway to the reasonable satisfaction of the vestry.

Land by agreement.

40. The Company may from time to time purchase and acquire by agreement in addition to any land which they are already authorised to acquire such land as they may require for their undertaking not exceeding in the whole five acres but nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them on any land acquired under the powers of this section.

Restriction on taking houses of labouring class.

41. The Company shall not under the powers of this Act or of the Act of 1889 as extended by this Act without the consent of the Secretary of State for the Home Department purchase or acquire in any parish in the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or in part by persons belonging to the labouring class :

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Extending to this Act sections of existing Acts as to tolls.

42. Subject to the provisions of this Act the Company may demand and take in respect of the tramways the tolls and charges which they are by the Southwark and Deptford Tramways Act 1879 authorised to demand and take with respect to the tramways by that Act authorised and sections fifty to fifty-three both inclusive of the said Act and sections forty and forty-one of the Southwark and Deptford Tramways Act 1881 shall extend and apply to the tramways by this Act authorised and the passengers using the same and the tolls to be taken for the use of the same as fully and

effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto. A.D. 1891.

43. 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 Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

Periodical
revision of
tolls.

44. The provisions contained in section forty-three of the Act of 1889 as to license for the use of mechanical power shall extend and apply to the tramways authorised by this Act as if they had been authorised by the Act of 1889 and subject to the restrictions contained in the said section the Company may use mechanical power other than steam power on the tramways authorised by this Act accordingly.

Carriages
may be
moved by
animal or
mechanical
power.

45. Section 44 of the Act of 1889 is hereby repealed and in lieu thereof in the event of any of the tramways of the Company being worked by electricity the following provisions shall have effect:—

Provisions
for protec-
tion of the
Postmaster
General.

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Post-

A.D. 1891.

master General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

- (2.)—(a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said Act or work ;
- (b) Any difference which arises between the Postmaster General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :
- (3.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (4.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or

A.D. 1891.

work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(5.) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section :

(7.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a Company within the meaning of that Act :

(9.) Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

46. For the protection of the National Telephone Company Limited its successors and assigns (in this section called "the Telephone Company") the following provisions shall have effect in the event of any tramways of the Company being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say) :—

For the protection of the National Telephone Company Limited.

(1.) The Company shall so construct their electric circuits and other works of all descriptions and shall so work their tramway in all respects as to prevent so far as reasonably may be any injurious interference by induction or otherwise with the electric circuits from time to time used or intended to be used by the Telephone Company for the purpose of telephonic com-

A.D. 1891.

munication or with the currents in such circuits Provided that as regards electric circuits erected or laid down by the Telephone Company after the construction of the works of the Company this sub-section shall only apply if such circuits have not been erected or laid down in unreasonably close proximity to the lines or works of the Company :

(2.) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines belonging to the Telephone Company and lawfully laid down or placed in any position by them may be injuriously affected the Company shall unless otherwise agreed with the Telephone Company give to that company notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Company shall conform with such reasonable requirements as may from time to time be made by the Telephone Company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid :

(3.) If any difference arises between the Company and the Telephone Company with respect to anything in this section contained such difference shall be settled by a referee to be nominated by the Board of Trade in the manner provided by section 33 of the Tramways Act 1870 for the settlement of differences referred to in that section :

(4.) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

As to
recovery
of penalties.

47. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Authenti-
cation of
orders and
byelaws.

48. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Interest
not to be
paid on calls
paid up.

49. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him Provided always that this Act shall not prevent the Company from paying to any share-

holder 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. A.D. 1891.

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

51. From and after the passing of this Act the name of the Company shall be "The London Deptford and Greenwich Tramways Company" instead of their present name of "The Southwark and Deptford Tramways Company." Change of
name.

52. Nothing in this Act contained shall exempt 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 to be taken by the Company. Provision as
to general
Tramway
Acts.

53. 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. Costs of
Act.

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