



CHAP. clxvii.

An Act to authorise the Pimlico, Peckham, and Greenwich Street Tramways Company to construct additional passing places, and to convert certain of their authorised tramways into double lines of tramway ; and for other purposes.

A.D. 1870.

[10th August 1870.]

WHEREAS by "The Pimlico, Peckham, and Greenwich Street Tramways Act, 1869," (in this Act called "the Act of 1869,") the Pimlico, Peckham, and Greenwich Street Tramways Company (in this Act called "the Company") were incorporated for the purpose of making and maintaining certain street tramways :

32 & 33 Vict.
c. xc.

And whereas it is expedient that the Company be authorised to construct the additional passing places herein-after described, and to convert certain of those tramways (which were by the Act of 1869 authorised to be constructed as single lines) into double lines of tramways, and to raise additional money for those purposes :

And whereas it is expedient that the Company and the Metropolitan Street Tramways Company be authorised to enter into and carry into effect agreements as by this Act provided :

And whereas plans and sections showing the lines and levels of the works by this Act authorised, and the lands to be taken for the purposes thereof, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the respective clerks of the peace for the counties of Surrey and Kent, and those plans, sections, and books of reference are in this Act referred to as the plans, sections, and books of reference deposited for this Act :

And whereas a Bill has been in the present session introduced into Parliament, under the short title of "The Pimlico, Peckham, and Greenwich Street Tramways (Extensions, &c.) Bill," for authorising the Company to extend their authorised tramways, and for other purposes, and by the said Bill it is proposed to repeal many of

[Ch. clxvii.] *The Pimlico, Peckham, and Greenwich Street Tramways Act, 1870.* [33 & 34 VICT.]

A.D. 1870. the clauses and provisions of the Act of 1869, and to make other provisions in lieu thereof:

And whereas the said Bill has passed or is about to pass into a law, and is in this Act referred to as "The Extensions Bill:"

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:

Short title. 1. This Act may be cited for all purposes as "The Pimlico, Peckham, and Greenwich Street Tramways Act, 1870."

Provisions of general Acts herein named incorporated. 2. "The Lands Clauses Consolidation Acts, 1845, (except the provisions thereof with respect to the purchase of lands otherwise than by agreement,) 1860, and 1869," and the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the distribution of the capital of the Company into shares, with respect to the transfer or transmission of shares, with respect to the payment of subscriptions and the means of enforcing the payment of calls, with respect to the forfeiture of shares for nonpayment of calls, with respect to the remedies of creditors of the Company against the shareholders, with respect to the borrowing of money by the Company on mortgage or bond, with respect to the conversion of the borrowed money into capital, with respect to the consolidation of the shares into stock, 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 cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the plans deposited for the Act of 1869" means the plans deposited with the clerk of the peace for the county of Surrey with respect to the application to Parliament for and mentioned or referred to in the Act of 1869; the expression "the authorised tramway No. 2, or (as the case may be) No. 2b, No. 3,

“No. 3a, No. 4, No. 4a, No. 5, No. 5a, or No. 6,” means the tramway authorised by the Act of 1869, and on the plans deposited for the Act of 1869 distinguished by that respective number or number and letter; the expression “street” means any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same; and the expression “street authority” means the board, vestry, district board, commissioners of sewers, or other commissioners, trustees, or other body having the control of the street referred to; and in this Act, and in any Act wholly or in part incorporated herewith, the expression “superior courts,” or “court of competent jurisdiction,” or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

4. Subject to the provisions of this Act, and in the lines and according to the levels shown on the plans and sections deposited for this Act, and in all respects in accordance with those plans and sections, the Company may make, form, lay down, and maintain the street tramways, and may execute and maintain the works hereinafter described, with all proper rails, plates, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the books of reference deposited for this Act as may be required for those purposes. The tramways and works herein-before referred to and authorised by this Act are—

Power to
make tram-
ways accord-
ing to depo-
sited plans.

(a) A tramway or passing place, No. 1 (three chains in length), wholly situate in Harleyford Road in the parish of Lambeth and county of Surrey, commencing by a junction with the authorised tramway No. 2 at a point about two and a half chains from its authorised point of commencement, and terminating by a junction with the same authorised tramway at a point distant about five and a half chains from its said authorised point of commencement:

(b) A tramway or passing place, No. 2 (three chains in length), wholly situate in the road running along the north-east side of St. Mark's Kennington, churchyard, in the parish of Lambeth aforesaid, commencing by a junction with the authorised tramway No. 2 at a point distant about four furlongs and four and a half chains from its authorised point of commencement, and terminating by a junction with the same authorised tramway at a point distant about

A.D. 1870.

four furlongs and seven and a half chains from its said authorised point of commencement :

(c) A tramway or passing place, No. 3 (three chains in length), wholly in Camberwell New Road in the parish of Lambeth aforesaid, commencing by a junction with the authorised tramway No. 2 at a point about three chains west of the west corner of Wyndham Road at its junction with Camberwell New Road, and terminating by a junction with the same authorised tramway at a point opposite or nearly opposite the said west corner of Wyndham Road :

(d) The laying down of additional rails in connexion with the authorised tramways Nos. 3, 4, 5, and 6, and the moving and altering the position of the rails or some of the rails of those tramways, and the execution of all such other works as may be necessary for the purpose of converting the said tramways into a double line of tramways, which double line of tramways, when completed, will consist of the tramways shown on the plans deposited for this Act, and therein called "tramway No. 4" and "tramway No. 4a," each of which tramways will commence by a junction with the authorised tramway No. 2 at its authorised termination, and will terminate at the east end of Blackheath Road in the parish of Greenwich in the county of Kent.

Power to abandon certain authorised tramways.

5. The Company may abandon and relinquish the construction of the several authorised tramways or passing places No. 2b, No. 3a, No. 4a, and No. 5a, which will be rendered unnecessary by the construction of the works by this Act authorised.

Mode of formation of tramways.

6. Every tramway to be made, formed, or laid down under this Act, including tramways No. 4 and No. 4a aforesaid, shall be constructed with two rails to be laid at a distance (reckoning from the inside edge of each rail) of four feet eight inches and half an inch from each other, and to be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the street.

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

7. If any street authority shall hereafter alter the level of any street along or across which any tramway by this Act authorised (including tramway No. 4 and tramway No. 4a) 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 street as altered.

8. All the powers and provisions of the Act of 1869 (except so far as any of those powers or provisions are repealed or altered by this Act, or are or may be repealed or altered by the Extensions Bill if passed into a law,) shall apply to the tramways and works by this Act authorised, as fully and effectually as if the said tramways and works had been included in and authorised by the Act of 1869; and this Act and the Act of 1869 shall be read and construed together as if the same were one Act passed on the day on which the Act of 1869 was passed.

A.D. 1870.
Applying provisions of Act of 1869 to the works authorised by this Act.

9. So much of section 11 ("repair of part of street where tramway is laid") of the Act of 1869 as requires the Company to pave and keep paved the portions described in that section under the letters (a), (b), (c), and (d) of the authorised tramways Nos. 3, 4, and 6, is by this Act repealed.

Part of sect. 11 of Act of 1869 repealed.

10. The Company shall at their own expense pave and at all times keep paved in good condition and repair, with six inches by three inches Mount Sorrell granite pitching, (or such other description of granite as may be agreed upon by the surveyor for the time being to the vestry of the parish of Camberwell and the Company,) so much of the respective streets along which the portions next herein-after mentioned of the double line of tramways (tramways No. 4 and No. 4a) by this Act authorised are intended to be laid as lies between the rails of the respective tramway and as extends eighteen inches beyond the rails of and on each side of the respective tramway; (that is to say,)

Company to pave parts of certain streets.

(a) So much of tramways Nos. 4 and 4a situate in Church Street, Camberwell, as lies between the distances measured along the centre line of the respective tramway from its commencement as shown on the deposited plans of six chains and one furlong and five chains:

(b) So much of tramways Nos. 4 and 4a situate in High Street, Peckham, as lies between the distances (measured in manner aforesaid) of seven furlongs and four chains and one mile one furlong from the commencement of the tramways:

(c) So much of tramways Nos. 4 and 4a situate in High Street, Peckham, as lies between the distances (measured in manner aforesaid) of one mile one furlong two chains and one mile one furlong and nine chains from the commencement of tramways:

And (d) As regards so much of tramways Nos. 4 and 4a as lies between the distances (measured in manner aforesaid) of

A.D. 1870.

three miles and six chains and three miles one furlong and seven chains from the commencement of tramways, the Company shall at their own expense pave and keep paved in good condition and repair so much of the respective streets along which those parts of the said tramways are intended to be laid as lies between the rails of those respective tramways and as extends eighteen inches beyond the rails of and on each side of the respective tramways.

And if within fourteen days after delivery by the Company to the street authority having the jurisdiction or control of such last-mentioned portions of streets or roads of the notice by the Act of 1869 required to be given of the intention of the Company to break open the street, the street authority shall give directions in writing to the Company as to the materials to be used in paving, or as to the mode of paving any of the said parts of streets, such directions shall be followed by the Company in executing the works in the respective portion of street to which the directions apply; and any difference between the Company and any street authority as to the reasonableness of any such directions shall be settled in manner provided by the Act of 1869 with respect to other differences between the Company and any street authority.

Company to
pave certain
parts of roads
in Camber-
well if re-
quired.

11. If the vestry of the parish of Camberwell shall, by requisition, under the seal of the vestry, served upon the Company, require that so much of the tramway No. 2 authorised by the Act of 1869 as is to be laid along streets or roads under the jurisdiction or control of that vestry, and that such portion of the lines of tramways Nos. 4 and 4a by this Act authorised as are not included in sub-sections A, B, and C of the last preceding section of this Act, shall be paved and at all times kept paved in good condition and repair with four-inch Mount Sorrel granite pitching (or such other granite of an equal quality as may be mutually agreed on) at the expense of the Company, the Company shall comply therewith in executing the works in the respective portions of streets to which such requisition shall apply, to the extent of so much thereof as lies between the rails of the respective tramway and the space between the double lines thereof, and as extends eighteen inches beyond the rails of and on each side of the respective tramway: Provided always, that if the Company fail to comply with the said requisition, the said vestry may, if they think fit, at any time after giving seven days notice to the Company of their intention, pave and keep in good condition and repair with granite of the above-mentioned quality

those portions of roadway, and the expense thereof shall be repaid to the vestry by the Company. A.D. 1870.

12. Any paving, metalling, or material excavated by the Company in the construction of their works along the streets or roads under the jurisdiction or control of the vestry of the parish of Camberwell shall be (as occasion may require) applied to the construction, repair, and maintenance in the said parish of Camberwell of the tramway by this Act authorised, and so much of the adjoining roadway as by this Act the Company are required to maintain: Provided always, that if, in the judgment of the surveyor for the time being of the said parish, the Company have excavated paving, metalling, or material more than sufficient for the construction of their tramway, and maintenance thereof and of the adjoining roadway for the period of six months after the completion of the tramways, they shall deliver (to any person authorised by writing under the hand of the said surveyor to receive the same) all such surplus paving, metalling, or material as and when the same is excavated; and in case of any difference as to the true intent and meaning of this enactment, the same shall be settled by the Board of Trade in the manner provided by the Act of 1869 for the settlement of any difference between the Company and any street authority. Application of surplus material.

13. The tramways and works by this Act authorised shall be completed within eighteen months from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for completion of works.

14. 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 1869, and which may not be required for the purposes to which by that Act such moneys are made applicable. Power to apply existing funds.

15. The Company may from time to time raise by the creation and issue of new ordinary shares or new ordinary stock, or (at the option of the Company) by either of those modes, any further sum or sums of money not exceeding in the whole fifty-six thousand pounds. Power to raise additional capital.

16. The provisions of the sections of the Act of 1869 numbered from 43 to 52 (both numbers inclusive) shall apply to the shares in the additional capital by this Act authorised to be raised. Sections 43 to 52 of Act of 1869 applied to new share capital.

[Ch. clxvii.] *The Pimlico, Peckham, and Greenwich Street Tramways Act, 1870.* [33 & 34 VICT.]

A.D. 1870.

Power to borrow on mortgage.

17. The Company may from time to time borrow on mortgage, in addition to the sums which by the Act of 1869 they are authorised to borrow, any sum or sums not exceeding in the whole fourteen thousand pounds, and of that sum they may borrow from time to time not exceeding three thousand five hundred pounds in respect of every fourteen thousand pounds of the additional capital of fifty-six thousand pounds by this Act authorised, but no part of any such sum of three thousand five hundred pounds shall be borrowed until the whole of the respective fourteen thousand pounds of additional capital in respect of which it is to be borrowed is subscribed for, 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 the respective fourteen thousand pounds of additional capital has been subscribed for, 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 portion of stock in such fourteen thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective fourteen thousand pounds of additional capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their 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.

Existing mortgages to have priority.

18. All mortgages granted by the Company before the passing of this Act, in pursuance of the powers of the Act of 1869, and which shall be subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, have priority over any mortgages to be granted by virtue of this Act.

Sect. 55 of Act of 1869 applied to this Act.

19. Section 55 ("for appointment of a receiver") of the Act of 1869 shall apply to all mortgages under this Act.

Moneys borrowed on mortgage to have priority.

20. All moneys borrowed or to be borrowed on mortgage under the Act of 1869 or this Act, from the time when the same shall be advanced, and the interest for the time being due thereon, shall have priority against the Company, and all the property from time to time of the Company, over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them, but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act, or injuriously affected by the construction of the tram-

way, or by the exercise of any of the powers conferred upon the Company. A.D. 1870.

21. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes only of this Act and the Act of 1869. Application of moneys.

22. The Company shall not open or use for public traffic a part only of the tramways by this Act and the Act of 1869 authorised, but the whole of the tramways shall be simultaneously opened for public traffic, and the Company shall from time to time bonâ fide work the whole of the tramways when so opened as one continuous system; and if any street authority at any time complains to the Board of Trade that the Company are not carrying out this provision according to its true intent and meaning, that Board may direct an inquiry under the provisions of the Act of 1869, and upon the report of the referee may make such order as to them may seem fit, having regard to the provisions of this section, and the Company shall abide by and carry into effect every order to be so made. The whole of the tramways to be opened together, and worked by the Company.

23. The Company and the Metropolitan Street Tramways Company may from time to time enter into and carry into effect contracts or arrangements with respect to the following purposes or any of them; (that is to say,)

The user, working, maintenance, and management of their respective undertakings, or some part or parts thereof respectively;

The providing of rolling and working stock;

The appointment, removal, and payment of officers and servants;

The interchange, transmission, collection, and delivery of traffic coming from or destined for the undertakings of the respective Companies;

The fixing, collection, division, apportionment, and appropriation by and between the Companies of the rates, tolls, and charges upon their respective undertakings;

And all incidental matters.

Power to enter into traffic arrangements with Metropolitan Street Tramways Company.

24. During the continuance of any such agreement, the tramways of the Company and of the Metropolitan Street Tramways Company shall, for the purposes of tolls and charges, be considered as one tramway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the tramways of the Company and partly on the tramways of the Metropolitan Street Tramways Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles,

Tolls on traffic conveyed partly on the tramways of the Company and partly on the tramways of the Metropolitan Street Tramways Company.

A.D. 1870. tolls and charges as for one mile only; and no other short-distant charge shall be made for the conveyance of passengers partly on the tramways of the Company and partly on the tramways of the Metropolitan Street Tramways Company.

Interest not to be paid on calls paid up.

25. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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.

26. 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.

Tramways not exempt from provisions of general Acts.

27. Nothing herein contained shall be deemed or construed to 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.

Expenses of Act.

28. 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.