



CHAPTER xvi.

An Act to authorise the South London Tramways Com- ^{A.D. 1880.}
pany to construct additional Tramways; to raise further
Money; and for other purposes. [29th June 1880.]

WHEREAS by the South London Tramways Act, 1879 (in this ^{42 & 43 Vict.}
Act called "the Act of 1879"), the South London Tramways ^{c. cxcvii.}
Company (in this Act called "the Company") was incorporated
with a share capital of seventy thousand pounds and power to borrow
on mortgage seventeen thousand five hundred pounds, and were
authorised to construct various street tramways:

And whereas it is expedient that the Company be authorised to
construct the additional tramways in this Act described, and to
raise further money 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 South London Tramways ^{Short title.}
(Extensions) Act, 1880.

2. The provisions of the Companies Clauses Consolidation Act, ^{Incorporation}
1845— ^{of}

With respect to the distribution of the capital of the Company ^{general Acts.}
into shares; ^{8 & 9 Vict.}

With respect to the transfer or transmission of shares;

[Local.-16.]

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c. 16.

A.D. 1880.

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 the Lands Clauses Consolidation Acts, 1845 (except

the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the

entry upon lands by the promoters of the undertaking), 1860, and 1869, section three (interpretation of terms), section nine-

teen (local authority may lease and take tolls), and Part II. (construction of tramways) and Part III. (general provisions)

of the Tramways Act, 1870, are (except where expressly varied by this Act) incorporated with and form part of this Act.

26 & 27 Vict.
c. 118.

32 & 33 Vict.
c. 48.

8 & 9 Vict.
c. 18.

23 & 24 Vict.
c. 106.

32 & 33 Vict.
c. 18.

33 & 34 Vict.
c. 78.

Interpreta-
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The word "contingencies" in the Companies Clauses Consolidation Act, 1845, section one hundred and twenty-two, 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 forty-three, at a sum less than the aggregate amount of the capital and debts of the Company.

Power to
make tram-
ways.

4. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain the tramways herein-after described, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and

conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are: A.D. 1880.

A Tramway (No. 1) (a single line), 3 furlongs 7·31 chains in length, wholly in the parish of St. Mary, Battersea, in the county of Surrey, commencing in the Queen's Road at a point about $1\frac{1}{4}$ chains east from opposite the centre of the entrance gates to Battersea Park, nearest to Chelsea Suspension Bridge, passing thence along Queen's Road into and terminating in Battersea Park Road at its intersection with the said Queen's Road:

Tramways Nos. 1A and 1B, being respectively short passing-places, each 2·50 chains in length, both wholly situate in the Queen's Road, commencing and terminating respectively by junctions with the said Tramway No. 1:

A Tramway (No. 2) (a single line), 5 furlongs 6·18 chains in length, commencing in the Battersea Park Road by a junction with the said Tramway No. 1 at its termination, passing thence across Battersea Park Road and along Queen's Road, and terminating in that road at a point about 6 chains north from the junction of the Queen's Road with Wandsworth Road:

Tramways Nos. 2A, 2B, and 2C, being respectively short passing-places, each 2·50 chains in length, all wholly situate in the Queen's Road, commencing and terminating respectively by junctions with the said Tramway No. 2:

A Tramway (No. 3) (a single line), 5·22 chains in length, commencing in the Queen's Road by a junction with the said Tramway No. 2 at its termination, passing thence along and terminating in the Queen's Road at a point about $\frac{1}{2}$ a chain north from the junction of Queen's Road with Wandsworth Road:

A Tramway (No. 4) (a single line), 1 chain in length, commencing in the Queen's Road by a junction with the said Tramway No. 3 at the termination thereof, passing thence along Queen's Road and into and terminating in Wandsworth Road at a point about $\frac{1}{2}$ a chain east from the junction of Queen's Road with Wandsworth Road and Lavender Hill:

A Tramway (No. 5) (a single line), 4 furlongs 4·46 chains in length, commencing in Wandsworth Road by a junction with the said Tramway No. 4 at its termination, passing thence along and terminating in Wandsworth Road at a point about $3\frac{1}{4}$ chains east from the junction of Westbury Street with Wandsworth Road:

A.D. 1880.

Tramways Nos. 5A and 5B, being respectively short passing-places, each 3 chains in length, both wholly situate in the Wandsworth Road, commencing and terminating respectively by junctions with the said Tramway No. 5 :

The herein-before described tramways will pass from, through, or into, or be situated in the parishes of St. Mary, Battersea, and Clapham, or one of them.

A Tramway (No. 6) (a single line), 1·24 chains in length, wholly in the parish of Clapham aforesaid, commencing at a point about $\frac{1}{2}$ a chain west from the junction of Queen's Road with Wandsworth Road and Lavender Hill, and terminating by a junction with the said Tramways Nos. 4 and 5, at their termination and commencement respectively :

A Tramway (No. 7) (a single line), 0·95 chains in length, wholly situate in the parish of Clapham aforesaid, commencing in Queen's Road by a junction with the said Tramways Nos. 3 and 4 at their termination and commencement respectively, passing thence into and terminating in Lavender Hill by a junction with the said Tramway No. 6 at its commencement :

A Tramway (No. 8) (a single line), 2·20 chains in length, commencing in the parish of St. Mary, Battersea, aforesaid, at a point in Lavender Hill about 1 chain east from the junction of Wycliffe Grove with Lavender Hill, and passing thence along and terminating in Lavender Hill, in the parish of Clapham aforesaid, by a junction with the said Tramways Nos. 6 and 7 at their commencement and termination respectively :

A Tramway (No. 9) (a single line), 5 furlongs 6·10 chains in length, commencing in Lavender Hill at a point about $2\frac{3}{4}$ chains east from the junction of St. John's Road with Lavender Hill and St. John's Hill, and passing thence along and terminating in Lavender Hill by a junction with the said Tramway No. 8 at its commencement :

Tramways Nos. 9A, 9B, and 9C, being respectively short passing-places, each 3 chains in length, situate in Lavender Hill, commencing and terminating respectively by junctions with the said Tramway No. 9 :

A Tramway (No. 10) (a single line), 3·55 chains in length, commencing in St. John's Hill at a point about $\frac{3}{4}$ of a chain west from the junction of St. John's Road with St. John's Hill and Lavender Hill, and passing thence along St. John's Hill, and into and terminating in Lavender Hill by a junction with the said Tramway No. 9 at its commencement :

The Tramways Nos. 9, 9A, 9B, 9C, and 10 will be situate wholly in the parish of St. Mary, Battersea.

A Tramway (No. 11) (a single line), 6 furlongs 6·45 chains in length, commencing in East Hill, in the parish of Wandsworth, at or near the junction of Alma Road with East Hill, and passing thence along East Hill, and along and terminating in St. John's Hill, in the parish of St. Mary, Battersea, aforesaid, by a junction with the said Tramway No. 10 at its commencement:

Tramways Nos. 11A, 11B, and 11C, being respectively short passing-places, each 3 chains in length, commencing and terminating by junctions with the said Tramway No. 11:

A Tramway No. 11D (a single line, but forming with portions of the said Tramways Nos. 9, 10, and 11 a double line), 5·60 chains in length, commencing in St. John's Hill by a junction with Tramway No. 11 at a point about 2 chains west from the junction of St. John's Road with St. John's Hill and Lavender Hill, and passing thence along St. John's Hill, and into and terminating in Lavender Hill by a junction with the said Tramway No. 9 at a point about $3\frac{3}{4}$ chains east from the said junction of St. John's Road with St. John's Hill and Lavender Hill:

A Tramway (No. 12) (a single line), 3·25 chains in length, commencing in St. John's Hill by a junction with the said Tramways Nos. 10 and 11 at their commencement and termination respectively, and passing thence into and terminating in Falcon Lane at a point about 1 chain north from the northernmost angle of the triangular piece of ground situate near the junction of Falcon Lane with Lavender Hill:

A Tramway (No. 13) (a single line), 3·45 chains in length, commencing in Lavender Hill by a junction with the said Tramways Nos. 9 and 10 at their commencement and termination respectively, and passing thence into and terminating by a junction with the said Tramway No. 12 at its termination, as above described:

A Tramway (No. 14) (a single line), 3 furlongs 6·75 chains in length, commencing in Falcon Lane by a junction with the said Tramways Nos. 12 and 13 at their termination, and passing thence along Falcon Lane and into and terminating in Battersea Park Road by a junction with the Tramway No. 15 authorised by the Act of 1879, at a point about $\frac{1}{2}$ a chain west from the junction of Winder's Road with Battersea Park Road:

A Tramway (No. 14A), a short passing-place 3·50 chains in length, commencing and terminating by junctions with the said Tramway No. 14:

A.D. 1880.

A Tramway (No. 15) (a single line), 4 furlongs 8·31 chains in length, commencing by a junction with Tramway No. 15 authorised by the Act of 1879, at a point in Battersea Park Road about $1\frac{1}{2}$ chains north-east from the junction of Atherton Street with Battersea Park Road, and passing thence into and terminating in Bridge Road at a point about $2\frac{1}{4}$ chains north-west from the junction of Wellington Street with Bridge Road :

Tramways Nos. 15A and 15B, being respectively short passing-places, each 3 chains in length, situate in Bridge Road, commencing and terminating respectively by junctions with the said Tramway No. 15 :

The Tramways Nos. 11B, 11C, 11D, 12, 13, 14, 14A, 15, 15A, and 15B will be situate wholly in the parish of St. Mary, Battersea.

A Tramway (No. 16) (a single line), 3 furlongs 8·24 chains in length, commencing in the parish of St. Mary, Battersea, aforesaid, by a junction with Tramway No. 15, authorised by the Act of 1879, at the termination thereof at a point in York Road about $3\frac{1}{2}$ chains south from the junction of Creek Street with York Road, and passing thence along and terminating in the said York Road, in the parish of Wandsworth aforesaid, at a point about $\frac{1}{4}$ of a chain north-east from the junction of Jews Row with York Road :

A Tramway (No. 16A), a short passing-place 2·50 chains in length, situate wholly in the parish of St. Mary, Battersea, aforesaid, commencing and terminating by junctions with the said Tramway No. 16 :

A Tramway (No. 16B), a short passing-place 3 chains in length, situate wholly in the parish of Wandsworth aforesaid, commencing and terminating by junctions with the said Tramway No. 16 :

A Tramway (No. 17) (a single line), 2 furlongs 1·21 chains in length, commencing in York Road by a junction with the said Tramway No. 16 at the termination thereof, and passing thence along and terminating in York Road at or near its junction with North Street :

A Tramway (No. 17A), a short passing-place 3 chains in length, commencing and terminating by junctions with the said Tramway No. 17 :

A Tramway (No. 18) (a single line), 3·63 chains in length, commencing in York Road by a junction with the said Tramway No. 17 at the termination thereof, and passing thence along and terminating in North Street at a point about $\frac{1}{2}$ a chain north from the junction of Red Lion Street and North Street :

A Tramway (No. 19) (a single line), 1 furlong 0·10 chains in length, commencing by a junction with the said Tramway No. 18 at its termination, and passing thence along and terminating in North Street at or near its junction with High Street:

A.D. 1880.

A Tramway (No. 19A), a short passing-place 2 chains in length, commencing and terminating by junctions with the said Tramway No. 19:

The Tramways Nos. 17, 17A, 18, 19, and 19A will be wholly situate in the parish of Wandsworth.

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

Power to apply existing funds.

6. 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 seventy-five thousand pounds.

Power to raise additional capital.

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

Certain sections of 42 & 43 Vict. c. cxcvii. applied to new share capital.

8. 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 eighteen thousand five hundred pounds, but no part of that sum shall be borrowed until the whole capital of seventy-five 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 the 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

Power to borrow on mortgage.

A.D. 1880.

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.

Company
not to create
debenture
stock.

9. The Company shall not create debenture stock under this Act.

Mortgage
to comprise
purchase
money paid
on compul-
sory 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 pur-
chase by
local autho-
rity.

11. Every mortgage deed granted by the Company under this Act shall be indorsed 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 43rd 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 mortgages, have priority over any mortgages to be granted by virtue of this Act.

Repealing
provisions of
previous
Acts for ap-
pointment of
a receiver.

13. The provisions of all previous Acts relating to the Company for the appointment of a receiver are hereby repealed, but without prejudice to any appointment heretofore made or proceedings pending.

Appoint-
ment 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 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 three thousand five hundred pounds in the whole.

Money bor-
rowed on
mortgage
to have
priority.

15. All moneys borrowed or to be borrowed on mortgage under this Act, or any other Act empowering the Company to borrow money on mortgage, 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 tramways, or by the exercise of any of the powers conferred upon the Company. A.D. 1880.

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

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

18. 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 two thousand and sixty-two 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 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. Deposit money not to be repaid except so far as tramways are opened.

A.D. 1880.
Application
of deposit.

19. If the Company do not, previously to the expiration of the period limited for the completion of the tramways, complete the same and open it 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 for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Power to
remove
portions of
certain
tramways.

20. If and whenever the Wandsworth District Board of Works widen the said Falcon Lane, the Company may remove the portions of the Tramways Nos. 12, 13, 14, and 14A by this Act authorised to be laid down in the said lane, and relay the said portions of tramway along that lane in such manner as may be agreed upon between the Company and the said district board, but subject to the provisions of this Act, and so that no rail of any tramway shall be nearer to the outside of the footpath on either side than is authorised by this Act.

Applying
provisions of

21. 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, 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.

A.D. 1880.
42 & 43 Vict.
c. cxvii. as
to tolls, &c.

22. The Company shall not carry on the tramways any goods, animals, or other things, other than passengers and passengers luggage, not exceeding the weight in that behalf mentioned in the Act of 1879, and small parcels.

Company
not to carry
animals and
goods.

23. The Company, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the road authority think most convenient for 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 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.

Cheap fares
for labouring
classes.

24. 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

Periodical
revision of
tolls.

A.D. 1880. — been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing, altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways, in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Inspection
by Board of
Trade.

25. 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.

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

Protection
of the
Wandsworth
District
Board of
Works.

27. For the protection of the Board of Works for the Wandsworth District (herein-after called "the Wandsworth Board") the following provisions shall be observed and have effect; (that is to say,)

- (1.) The Company shall not commence the construction of any of the tramways or works by this Act authorised within the district of the Wandsworth Board until they shall have given to the Wandsworth Board twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the Wandsworth Board, with plans, elevations, sections, and other necessary particulars of the construction of the said tramways and works, nor until the Wandsworth Board shall have signified their approval of the same, unless the Wandsworth Board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid, in which event the Company may proceed forthwith with the works according to the said plans, elevations, and sections; and in case such plans, elevations, and sections and other particulars are not agreed upon, any difference between the Company and the Wandsworth Board with reference to

any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to differences between the promoters and any road authority. A.D. 1880.

- (2.) As regards all the roads whereon the tramways are laid, so much of the road in each case as lies between the rails (two or four, as the case may be) and as extends three feet beyond the outer rails of and on each side of the tramways (double or single, as the case may be) shall be paved by the Company at their own expense with 4-inch by 7-inch Aberdeen or Guernsey granite cubes on twelve inches of Portland cement concrete, mixed in the proportions of six of Thames ballast to one of Portland cement, or in such other manner as may be agreed upon. And at all passing-places, wherever the same occur or may hereafter be constructed along the course of the tramways, the whole width of the roadway at such points from kerb to kerb shall be paved by the Company in like manner at their own expense.
- (3.) All the said works affecting any road shall be executed by the Company in manner in this enactment directed under the superintendence and to the satisfaction of the Wandsworth Board, and every such road shall be deemed to be the road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the intent and meaning of this Act and the Tramways Act, 1870, and the reasonable expense to which the Wandsworth Board is put on account of such superintendence shall be paid by the Company.
- (4.) So much of section 26 of the Tramways Act, 1870, as provides that the promoters shall not do certain things therein mentioned, except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the works, and that the promoters shall pay all reasonable expenses to which the road authority is put on account of such superintendence, shall extend and apply also to the works in the 27th and 28th sections of the said Act and the last preceding section of this enactment referred to (except as to maintenance and repairs).

A.D. 1880.

- (5.) Any paving, metalling, or material excavated or displaced by the Company in the construction of the undertaking from any road under the jurisdiction or control of the Wandsworth Board shall be the property of the Wandsworth Board, and the Company shall, when and as required, deliver the said paving, metalling, or material to the surveyor for the time being of the Wandsworth Board, or to such person or persons as he may appoint to receive the same, and at such depôt in one or other of the parishes comprised within the district of the Wandsworth Board as he may direct: Provided that if within seven days after the excavation of any such paving, metalling, or material the same is not delivered to the surveyor, or such person or persons, or at such depôt as aforesaid, the Company shall forfeit and pay to the Wandsworth Board a sum not exceeding forty shillings for every day during which the said paving, metalling, or material is not so delivered, and such penalty shall be recoverable by and payable to the Wandsworth Board, and shall be a penalty within the meaning of section 28 of the Tramways Act, 1870. Any difference between the Company and the Wandsworth Board 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.
- (6.) The Company shall at all times, with such materials and in such manner as the Wandsworth Board shall direct, and to their satisfaction, maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways of the Company, and the substructure upon which the same rest, and if the Company at any time fail to comply with this provision, or with any of the provisions of section 28 of the Tramways Act, 1870, they shall (without prejudice to the enforcement in any manner of the requirements of this Act or to any other remedy against the Company) be subject to a penalty not exceeding ten pounds for every day on which such act of omission continues after forty-eight hours notice shall have been given to or left at the office of the Company by the clerk or surveyor for the time being of the Wandsworth Board, and such penalty shall be recoverable by and payable to the Wandsworth Board, and shall be a penalty within the meaning of

section 56 of the said Act. The proviso in section 28 of the Tramways Act, 1870, empowering the road authority, if the promoters fail to comply with the provisions of that section after seven days notice to the promoters, to do the works therein mentioned and recover the expenses thereof from the promoters, shall be read as though forty-eight hours were therein substituted for seven days, and as so altered shall extend and apply not only to the works necessary for the repairs and maintenance in that section mentioned, but also to the works necessary for the maintenance and repairs in this section provided for.

A.D. 1880.

28. In addition to the requirements of section 26 of the Tramways Act, 1870, and of this Act, the Company shall at the same time as they give notice to the Wandsworth Board 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 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: 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.

Further provisions as to construction of tramways.

29. The rails to be used in laying the whole of the tramways shall be of the best steel, and shall be such as the Board of Trade may approve, and the said rails, and the chairs, and the substructure on which the rails are laid, shall be submitted to and approved by the Wandsworth Board, or their surveyor, before the Company commence the construction of any part of the tramway.

As to rails, &c.

30. The Board of Trade may from time to time, upon the application of the local authority or road authority, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Company may be required to use improved form of rail.

A.D. 1880.

As to use
of bells.

31. No bell or other similar thing shall be used by the Company, or attached to their carriages, horses, or harness, without the consent in writing, under their common seal, of the Wandsworth Board, nor shall such bells or similar things be continued to be used by them if, after such consent has been so given, the same shall at any time be revoked in writing as aforesaid, and the Company shall be liable to a penalty of forty shillings for every day on which they fail to comply with the provisions of this section, such penalty to be recoverable by and payable to the Wandsworth Board, and such penalty shall be a penalty within the meaning of section 56 of the Tramways Act, 1870.

Appeal to
Board of
Trade.

32. In case it is represented in writing to the Board of Trade by the Wandsworth Board, or by twenty inhabitant ratepayers of the district of that board, 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 substructure upon which the same rest, 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 this Act imposed.

Company
not to carry
outside
passengers
along a
portion of
York Road.

33. The Company shall not, between a point twenty yards east and a point twenty yards west of the bridge carrying the London and South-western Railway over the York Road, near the Wandsworth railway station, carry any passenger or passengers on the roof of any tramcar running on any tramway to be laid under the authority of this Act, unless with the consent of the Wandsworth Board in writing under their common seal. The Company shall, unless permission be accorded by such consent, be liable to a penalty not exceeding five pounds for every occasion on which they shall fail to comply with the provision of this section, such penalty to be recoverable by and payable to the Wandsworth Board, and to be a penalty within the meaning of section 56 of the Tramways Act, 1870.

Protection of
London and
North-
western
Railway
Company.

34. Notwithstanding anything contained in this Act, no part of Tramway No. 14 southward of the bridge carrying the West London Extension Railway over Falcon Lane shall at any time be made, laid

A.D. 1880.

down, or re-laid nearer to the east side of Falcon Lane than is shown by the position of that tramway as delineated on the deposited plans, and no crossing, passing-place, siding, junction, or other work shall at any time be made or laid down on or in connexion with that part of Tramway No. 14, or on or in connexion with any part of Tramway No. 9, where the same are respectively co-extensive with the coal wharves and property of the London and North-western Railway Company in Falcon Lane and Lavender Hill respectively.

35. In addition to the provisions of sections 30, 32, and 33 of the Tramways Act, 1870, the following provisions shall have effect for the further protection and benefit of the Wandsworth and Putney Gaslight and Coke Company (herein-after in this section called the gas company) :

Protection of
Wandsworth
and Putney
Gaslight
and Coke
Company.

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

(B.) If by reason of the construction or maintenance of the tramways any new substituted or additional mains, pipes, or apparatus of the gas company be requisite, the cost of constructing, providing, and laying of such mains, pipes, or apparatus shall be paid by the Company, subject to credit being given to the Company for the value of any mains, pipes, or apparatus rendered useless by the construction or maintenance of the tramways, and removed by the gas company: Provided that if such substituted mains, pipes, or apparatus be of increased dimensions, the additional cost arising from such increase shall, unless such increase be required by reason of the tramways, be borne by the gas company.

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

36. 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.

Sewer autho-
rity to have
access to
sewers.

A.D. 1880.

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

37. 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.

38. 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.

Power to Company to contribute towards street improvements.

39. The Company on the one hand, and any vestry or district board on the other hand, may from time to time enter into and carry into effect agreements with respect to the cost of widening and improving any roads, streets, courts, passages, and footpaths within the parishes of St. Mary, Lambeth, St. Mary, Battersea, Clapham, and Wandsworth, and as to the contribution by the Company towards the moneys to be expended on such works, and the Company may for the purposes of such contribution apply any moneys which they are by this Act authorised to raise: Provided that any such agreement shall be approved by not less than three-fourths of the votes of the shareholders of the Company present in person or by proxy at a special meeting convened for the purpose, and that nothing in this section shall be held to authorise the Company or any vestry or district board to execute any works.

Protection of Metropolitan Board of Works.
18 & 19 Vict.
c. 120.

40. Nothing in this Act contained shall extend or be construed to extend to alter, abridge, or take away any of the rights, powers, and privileges conferred upon the Metropolitan Board of Works by the Metropolis Management Act, 1855, or any other Act relating to that Board, as to stopping for public traffic any road or street, or

any of the rights, powers, and privileges conferred upon them by the Tramways Act, 1870. A.D. 1880.

41. 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. Interest not to be paid on calls paid up.

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

43. 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. Provisions as to general Tramway Acts.

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

