



## CHAPTER cix.

An Act to incorporate the Ipswich Tramways Company and to authorise the Acquisition by them of Tramways in the Borough of Ipswich and to empower them to construct new Tramways and for other purposes. A.D. 1881.

[18th July 1881.]

**W**HEREAS by the Ipswich Tramways Order 1879 confirmed by the Tramways Orders Confirmation Act 1879 and hereinafter referred to as "the Order of 1879" and with which was incorporated the Tramways Act 1870 the promoters thereof were authorised to construct certain tramways within the borough of Ipswich and to acquire such lands not exceeding five acres as should be necessary for the undertaking: 42 & 43 Vict.  
c. cxliii.  
33 & 34 Vict.  
c. 78.

And whereas by the Ipswich Tramways (Extensions) Order 1880 confirmed by the Tramways Orders Confirmation (No. 1) Act 1880 and hereinafter referred to as "the Order of 1880" and with which was incorporated the Tramways Act 1870 the promoters thereof were authorised to construct certain other tramways within the said borough and to acquire such lands not exceeding two acres as should be necessary for the undertaking: 43 & 44 Vict.  
c. clxxii.

And whereas a portion of the tramways authorised by the Order of 1879 has been completed and opened for public traffic and it is expedient that the time limited for the completion of the remainder thereof should be extended:

And whereas the laying down within the said borough of the additional tramways by this Act authorised would be of great local and public advantage:

And whereas it is expedient to incorporate a company with power to acquire and complete the said undertakings of 1879 and 1880 and to lay down and maintain the several additional tramways aforesaid and in connection therewith to widen and improve certain portions of Northgate Street Old Foundry Road Major's Corner Saint John's Road and Spring Road within the said borough:

A.D. 1881. — And whereas it is expedient that the corporation of the said borough should be authorised to contribute towards the cost of the aforesaid street improvements :

And whereas plans and sections shewing the lines and levels of the tramways and works by this Act authorised to be made 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 clerk of the peace for the county of Suffolk and those plans sections and books of reference are in this Act referred to as “the deposited plans sections and books 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 (that is to say) :

Short title. 1. This Act may for all purposes be cited as the Ipswich Tramways Act 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

2. The following Acts and parts of Acts namely the Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 section three (interpretation of terms) section nineteen (local authority may lease and take tolls) and Parts II. and III. of the Tramways Act 1870 so far as the same respectively are applicable to and are not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act save and except that the provisions of the Lands Clauses Consolidation Act 1845 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 shall not extend to any other purpose than the widening and improving of streets.

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

Interpretation of terms. 4. In this Act—  
The expression “the corporation” means the mayor aldermen and burgesses of the borough of Ipswich the expression



“ the Company ” means the Company incorporated by this Act; A.D. 1881.

The expression “ the borough ” means the borough of Ipswich ;

The expressions “ the undertaking of 1879 ” and “ the undertaking of 1880 ” respectively mean the tramways and works and the undertakings authorised by the Order of 1879 and the Order of 1880 respectively together with all lands buildings materials horses carriages plant property and effects belonging to or possessed by the said respective promoters or any of them or any person on any of their behalf for the purposes of the Order of 1879 and the Order of 1880 respectively ;

The expression “ the promoters ” means the promoters respectively referred to in the said Orders ;

The expression “ the undertaking ” or “ the tramways ” shall mean the tramways and works and undertakings by the said Orders and by this Act authorised or any part thereof ;

The expression “ superior court ” or “ court of competent jurisdiction ” or any other like expression in this Act or any Act wholly or partially incorporated herewith 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.

5. William Bruce Dick Peter Schuyler Bruff and James Robertson and all other persons and corporations who have already subscribed or shall hereafter become proprietors in the undertaking their executors administrators successors and assigns respectively shall be united into a Company for the purposes of this Act and such Company shall be incorporated under the name of “ the Ipswich Tramways Company ” and under that name shall be a body corporate with perpetual succession and a common seal and shall have power to purchase take hold sell and otherwise dispose of lands and other property for the purposes of this Act. Company incorporated.

6. The time for the construction and completion and opening for public traffic of the tramways authorised by the Order of 1879 is hereby extended to the thirty-first day of July one thousand eight hundred and eighty-two and if the same are not completed and opened for public traffic within such extended time the powers given by the Order of 1879 for constructing such tramways and executing the works thereof or otherwise in relation thereto shall. Extension of time for completion of tramways of 1879.

A.D. 1881. — cease to be exercised except as to so much thereof as shall then be completed.

Company shall purchase undertakings of 1879 and 1880.

7. The promoters respectively shall sell and the Company shall purchase the undertaking of 1879 and the undertaking of 1880 respectively and all right and interest of the promoters respectively in the deposit moneys of six hundred and twenty-five pounds and one hundred and fifty pounds hereinafter mentioned.

Confirmation of agreement scheduled to Act.

8. The agreement between Simon Armstrong Graham and James Robertson set forth in the schedule to this Act is hereby sanctioned and confirmed and the parties thereto are hereby respectively empowered and required to fulfil the obligations therein undertaken by them respectively in like manner in all respects as if the provisions thereof were set forth in and enacted by this Act.

Transfer to be by deed duly stamped.

9. The transfer to the Company of the undertaking of 1879 and the undertaking of 1880 respectively shall be made by deed duly stamped and in which the consideration shall be fully set forth. Provided always that the Company shall within the period of three months from the date of each such transfer produce to the Commissioners of Inland Revenue such deed duly stamped as aforesaid and in the event of non-production the ad-valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the dates of such transfers respectively shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Notice of transfer to be advertised.

10. Within twenty-one days after the execution of every deed of transfer notice thereof respectively shall be given by advertisement in the London Gazette and in some newspaper published in the borough and a certified copy of every such deed shall be deposited for public inspection at the offices of the Company.

After transfer Company to exercise powers, &c. of promoters.

11. Subject to the provisions of this Act the Company shall from and after the respective vesting of the undertaking of 1879 and the undertaking of 1880 in them exercise and enjoy all the rights powers privileges and authorities given to the respective promoters by the Order of 1879 and the Order of 1880 respectively and shall be liable to all the conditions and provisions contained in the said Orders respectively.

Release of deposits of 1879 and 1880.

12. If and whenever the event happens upon which the depositors of the sum of six hundred and twenty-five pounds cash paid as a deposit fund into the Chancery Division of the High Court of Justice with reference to the Order of 1879 and now remaining in the said division to the credit of "exparte the Ipswich Tramways" and the depositors of the sum of one hundred and fifty pounds cash



paid as a deposit fund into the said division with reference to the Order of 1880 and now remaining in the said division to the credit of "exparte the Ipswich Tramways (Extensions)" become respectively entitled to have the said sums or any part thereof respectively paid or transferred to them: Then the Court shall upon the application of the Company and upon proof to the satisfaction of the Court of the transfer to the Company of the undertaking with reference to which the respective deposit was made order the respective deposit fund aforesaid or the proportion thereof then payable or transferrable to be paid or transferred to the Company or as they shall direct instead of to the respective depositors and in the meantime the Court may upon the application of the Company order that the said respective deposit funds be invested in such stocks funds or securities as the applicants desire and the Court thinks fit: And after such transfer of the respective undertaking to the Company as aforesaid the Company shall be entitled to receive payment of the interest or dividends from time to time accruing on the respective deposit fund while in Court and the Court may from time to time on the application of the Company make such order as seems fit respecting payment of the interest or dividends accordingly.

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**13.** Subject to the provisions of this Act the Company in the construction of so much of tramway No. 1 authorised by the Order of 1879 in the parish of Saint Matthew as is situate in Mill Street between the junction of that street with Handford Road and the north end of that street opposite the south side of Saint Matthew Street shall lay the same in the centre instead of on the east side of the roadway of Mill Street aforesaid and in the construction of so much of the said authorised tramway No. 1 in the parishes of Saint Helen and Saint Margaret as is situate in Saint John's Road between the junction of that road with Spring Road and the junction thereof with Cauldwell Hall Road the Company shall lay the same two feet nearer to the east side of Saint John's Road than is authorised by the Order of 1879.

Construction of parts of tramway No. 1 authorised by Order of 1879.

**14.** Subject to the provisions of this Act the Company may make form lay down and maintain in the borough in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with the deposited plans and sections the tramways hereinafter described with all proper rails plates works points crossings and conveniences connected therewith The tramways hereinbefore referred to and authorised by this Act are —

Power to make tramways.

A tramway (No. 1) 1 furlong 4·73 chains or thereabouts in length commencing in Mill Street by a junction with tramway

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No. 1 authorised by the Order of 1879 at a point one and a quarter chains or thereabouts southwards from the central lamp column in the open space opposite to what is called or known as Barrack Corner and proceeding thence partly along the north end of Mill Street and across the said open space into and along Saint Matthew's Street and terminating at Hyde Park Corner by a junction with tramway No. 6 authorised by the Order of 1880 ;

Tramway No. 1 will be a double line except for a distance of one and three-quarter chains or thereabouts from its commencement where it will be a single line ;

A tramway (No. 2) (single line) 2·10 chains or thereabouts in length commencing in Saint Matthew's Street by a junction with tramway No. 1 at a point three-quarters of a chain or thereabouts eastward of the Barrack entrance in Saint Matthew's Street and terminating in Norwich Road by a junction with tramway No. 3 authorised by the Order of 1879 one and a half chains or thereabouts westward of the said Barrack entrance ;

A tramway (No. 3) 1 furlong 5·30 chains or thereabouts in length commencing on Cornhill by a junction with the tramway there at a point opposite the centre of King Street half a chain or thereabouts north-eastward of the easternmost corner of the Town Hall and proceeding thence partly along the north side of the open space in front of the Town Hall into and along Westgate Street and part of Saint Matthew's Street and terminating in the last-mentioned street by a junction with tramway No. 1 at a point thereon one chain or thereabouts west of Lady Lane

Tramway No. 3 will be a double line except for a distance of two and a half chains from its commencement ;

A tramway (No. 4) (single line) 3·07 chains or thereabouts in length commencing in Princes Street in the parish of Saint Peter by a junction with the tramway there half a chain or thereabouts south of Quadling Street passing into and along Quadling Street to and terminating in the yard of the promoters situate in and on the north side of Quadling Street aforesaid ;

The above tramways will pass from through or into or be situate in the several parishes and places following (that is to say) Saint Matthew Saint Mary Tower and Saint Peter.

Construction  
of tram-  
ways in

15. In constructing so much of tramways No. 1 and No. 3 by this Act authorised as is situate in Saint Matthew's Street and



Westgate Street the Company shall pave with some system of wood blocks or other system of paving as may be approved by the corporation the whole of the roadways in these streets in which double lines of rail are laid with the exception of the side channels thereof and shall at all times subject to the provisions of the Tramways Act 1870 except so far as they are hereby varied maintain and keep the said roadways in good condition and repair and the corporation shall from time to time subject as aforesaid bear and pay to the Company one-third of the amount of the expense incurred by the Company in and about such maintenance and keeping in good condition and repair.

Saint Matthew's Street and Westgate Street.

Provided always that the expense of renewing or repairing any portion of the said roadways after relaying renewing or repairing any of the rails of the said tramways by the Company shall not be chargeable to the corporation as part of the expense incurred by the Company in maintaining and keeping in good condition and repair the said roadways.

16. The Company shall from time to time at the expiration of every six months from the opening for traffic of the tramways by this Act authorised deliver to the corporation an account in writing showing the amounts from time to time incurred or expended by the Company as aforesaid during the six months immediately preceding the delivery of each such account and certified under the hand of their engineer or other officer for the time being authorised in that behalf and shall afford to the corporation such information either by production of books vouchers or otherwise as may be reasonably necessary for enabling the corporation to verify such accounts and the corporation shall from time to time within twenty-eight days from the delivery of every such account or from the date of the award of a referee to be appointed under section thirty-three of the Tramways Act 1870 in case any dispute shall arise between the Company and the corporation upon any such account pay to the Company or as they shall direct one-third of the total amount of every such account and the Company may from time to time recover from the corporation in any court of competent jurisdiction any sum or sums of money from time to time becoming due and payable by the corporation to the Company under the provisions of this Act.

Company to deliver accounts to corporation half-yearly.

17. The tramways by this Act authorised shall be constructed on a gauge of three feet six inches.

Gauge of tramways.

18. Subject to the provisions of this Act the Company shall have the exclusive use of the tramways by this Act as well as by the Order of 1879 and the Order of 1880 respectively authorised for carriages

Company to have exclusive use of tramways

for carriages  
with flange  
wheels &c.

with flange wheels or other wheels specially or particularly adapted to run on a grooved rail and notwithstanding anything to the contrary contained in the Tramways Act 1870 all carriages used by the Company on any of the aforesaid tramways may extend beyond the outer edge of the wheels of such carriages to any distance not exceeding sixteen inches on each side.

Tramways  
not to be  
opened until  
certified by  
Board of  
Trade.

19. No part of the tramways by this Act authorised shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act 1870 and the Board of Trade have by an order signed by a Secretary or an Assistant Secretary of the said Board authorised the same to be opened for traffic.

Period for  
completion  
of tram-  
ways.

20. If the tramways by this Act authorised are not completed within two years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Tramways  
to be kept on  
a level with  
surface of  
road.

21. If any road authority hereafter alter the level of any road along or across which any of the tramways by this Act authorised are laid or authorised to be laid the Company shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface shall be on a level with the surface of the road so altered.

Penalty for  
not main-  
taining rails  
and road in  
good condi-  
tion.

22. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger and annoyance to the ordinary traffic the rails of which any of the tramways by this Act authorised for the time being consist 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 requirements of section twenty-eight of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section fifty-six of the last-mentioned Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways by this Act authorised or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit



direct an inquiry by an officer to be appointed by the said Board such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act 1870 and if the Board of Trade certify under the hand of a Secretary or an Assistant Secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board then and in every such case a copy of such report certified by a Secretary or Assistant Secretary of the Board may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as are or is by this section imposed.

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**23.** 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 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 authorities to have access to sewers.

**24.** The rails of the tramways by this Act authorised shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the local authority or road authority of any district in which any tramways by this Act authorised or any portion thereof are or is situate require the Company to adopt and apply such improvements in the tramways within such district 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.

Mode of formation of tramways.

**25.** Where in any road in which a double line of tramway authorised by this Act is laid there is less width between the outside of the footpath on either side of the street or 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 passing-places connecting the one tramway with the other as and when directed by the road authority and by means of such passing-place or passing-places the traffic shall when necessary be diverted from one tramway to the other.

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

**26.** The Company may from time to time hereafter make all such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as may from time to time be necessary or convenient to the efficient working of the tramways or any of them or for providing

Additional crossings &amp;c. may be made where necessary.

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access to any stables carriage-houses sheds or works of the Company subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Company express his objection thereto: Provided also that the number and situation of such crossings points passing-places sidings junctions and other works shall be determined by the road authority and if any difference arises between the Company and any road authority with respect to the number and situation of the said crossings points passing-places sidings junctions or works 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 and that if any crossing or other additional works so made with the approval of the road authority or any part thereof is subsequently objected to by the road authority the road authority may by written notice to the Company require them to remove the same and if the road authority so think fit to remake or relay the same in some other position to be specified in the notice and the Company shall comply with such requirement Provided that the expense of every such removal remaking or relaying shall be borne by the road authority.

Application  
of road  
materials  
excavated in  
construction  
of works.

**27.** Any paving metalling or material excavated by the Company in the construction of their works authorised by this Act from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of such 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 of such road on either side of such tramway as the Company are by this Act 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 such road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after notice in writing to the road authority that the surplus of such paving metalling or material is ready for removal such surplus is not removed by the said 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 shall 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 all differences between the Company and any road authority.

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**28.** Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways by this Act authorised is laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may 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 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 to be made where necessary.

If any difference arises between the Company and any road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of 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.

**29.** During the construction of any works by this Act authorised in any roads the Company shall cause as little impediment as possible to the traffic along such roads and shall make such arrangements in the execution of such works as the road authority of such district may from time to time by writing reasonably require for preventing such traffic from being unnecessarily impeded.

Traffic on roads not to be impeded.

**30.** Subject to the provisions of this Act so much of every road whereon any of the tramways authorised by this Act is laid as lies between the rails and extends eighteen inches beyond the rails of and on each side of such tramway shall be paved by the Company with Mount Sorel granite cubes or such other granite or stone paving cubes as the Company may (with the approval of the corporation signified in writing under the hand of their engineer or surveyor for the time being) adopt and to the reasonable satisfaction of the road authority.

Paving of roads.

**31.** 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 constructing laying down maintaining and renewing any of the tramways lay before the Board of

Provisions as to construction of tramways.

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Company  
may widen  
streets.

**32.** Subject to the provisions of this Act and in accordance with the deposited plans the Company may widen and improve the following streets or roads in the borough (that is to say) :

Northgate Street on the east side at the north end thereof for a distance of thirteen yards from Old Foundry Road ;

Old Foundry Road on the north side at the west end thereof for a distance of eighteen yards from the junction thereof with Northgate Street and at the east end thereof for a distance of thirteen yards from Major's Corner ;

Major's Corner on the north side thereof for a distance of ten yards from Old Foundry Road ;

St. John's Road on the west side thereof for a distance of fifty yards from Spring Road ;

Spring Road on the south side thereof for a distance of sixty yards from St. John's Road ;

and for that purpose may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

Corporation  
may sub-  
scribe to  
street im-  
provements.

**33.** The corporation may subscribe any sum of money not exceeding in the whole the sum of one thousand five hundred pounds as a contribution towards the cost of the making by the Company of the several street improvements and widenings hereby authorised.

Corporation  
may apply  
corporate  
funds.

**34.** For the purposes of the contribution of the corporation they may from time to time apply any money in their hands received under any Act relating to them and not required for the purposes of that Act.

Period for  
completion  
of street  
widenings,  
&c.

**35.** If the widening and improvement of the streets by this Act authorised are not completed within five years from the passing



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of this Act then on the expiration of that period the powers by this Act granted to the Company for widening and improving the said streets respectively or otherwise in relation thereto and (unless the corporation shall after application by the Company to them so to do refuse or neglect within a period of four years from the passing of this Act to subscribe such a sum not exceeding the said sum of fifteen hundred pounds as shall be equal to one-half the estimated cost of such widening and improvement) for laying and working tramways therein shall cease to be exercised except as to so much of the said widening and improvement thereof respectively as is then completed.

**36.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

**37.** The Company may on any lands acquired by them under the powers and for the purposes of this Act erect and hold or let any buildings offices or other conveniences and may from time to time sell any lands so acquired by them and not required for the purposes of this Act.

Power to erect buildings, &c.

**38.** 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 equal to five per centum upon the amount of the estimate in respect of the tramways by this Act authorised 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 by this Act authorised open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of such 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 tramway so opened bears to the entire length of the tramway hereby authorised the Court shall on the application of the depositors

Deposit money not to be repaid until line opened.

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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.

**39.** If the Company do not previously to the expiration of the period limited for the completion of the tramways by this Act authorised 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 has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the powers conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and also in compensating all road authorities for the expense incurred by them in taking up any tramways or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways 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. A.D. 1881.

40. If previously to the time limited for the completion of the tramways the time for completing which is hereby extended the same are not complete and open for the public conveyance of passengers the deposit fund of six hundred and twenty-five pounds herein-before referred to or so much thereof as shall not have been paid to the depositors or the Company as the case may be shall be applicable and after due notice in the London Gazette shall be applied in manner provided by the rules of the Board of Trade under which such deposit fund was deposited in Court. Application of deposit in respect of tramways for which time for completion extended.

41. The capital of the Company shall be forty thousand pounds divided into four thousand shares of ten pounds each. Capital.

42. The Company shall not issue any share created under the authority of this Act nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof. Shares not to issue until one-fifth paid.

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

44. The Company may from time to time borrow on mortgage any sum not exceeding in the whole ten thousand pounds but no part thereof shall be borrowed until the whole of the capital of forty thousand pounds is issued and accepted and one-half thereof is paid-up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof. Power to borrow.

Appoint-  
ment of a  
receiver.

45. 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 one thousand pounds in the whole.

Company  
not to create  
debenture  
stock.

46. The Company shall not create debenture stock.

Mortgage to  
comprise  
purchase-  
money paid  
on compul-  
sory sale.

47. 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 or under this Act 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  
authority.

48. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramway in the event of its being purchased by the local authority under the forty-third section of the Tramways Act 1870 or under this Act.

Application  
of moneys.

49. All the money raised under the authority of this Act shall be applied only to the purposes authorised by this Act.

Number of  
directors.

50. The number of directors shall be three.

Qualification  
of directors.

51. The qualification of a director shall be the possession in his own right of not less than twenty shares in the undertaking.

Quorum.

52. The quorum of a meeting of directors shall be two.

First  
directors.

53. William Bruce Dick Peter Schuyler Bruff and James Robertson shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors

Election of  
directors.



until others are elected in their stead in manner provided by the same Act. A.D. 1881.

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

55. The quorum of general meetings of the Company shall be five shareholders present personally or by proxy holding in the aggregate not less than two thousand pounds in the capital of the Company. Quorum of general meetings.

56. The newspaper in which advertisements relating to the affairs of the Company are to be inserted shall be some newspaper published in the borough. Newspaper for advertisements.

57. The number of shareholders on whose requisition an extraordinary meeting may be required to be convened shall not be less than twenty and such shareholders shall hold in the aggregate not less than four thousand pounds in the capital of the Company. Number of shareholders to convene extraordinary meetings.

58. The prescribed scale of voting shall be one vote in respect of every ten pounds of paid up capital of the Company. Scale of voting.

59. The Company may demand and take in respect of the tramways by this Act authorised the tolls and charges which they are by the Order of 1879 and the Order of 1880 respectively authorised to demand and take with respect to the tramways by those Orders respectively authorised as if the tramways by this Act authorised had formed part of the tramways by those Orders respectively authorised and sections twenty-four to twenty-nine both inclusive of the Order of 1879 and sections twenty-one to twenty-six both inclusive of the Order of 1880 are incorporated with and form part of this Act and 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 repealed and expressly re-enacted in this Act with reference thereto. Extending certain provisions as to tolls, &c. of Orders of 1879 and 1880 to this Act.

60. The production of a written or printed copy of any bye-laws made under the authority of this Act or the recited Acts or the recited Orders or the Tramways Act 1870 authenticated by the signature of any Secretary or Assistant Secretary of the Board of Trade shall without proof of the signature of such Secretary or Assistant Secretary be evidence of the existence of such bye-laws and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled. Proof of bye-laws.

61. Where under the provisions of the Tramways Act 1870 and this Act any matter or difference is referred to the arbitration of Provisions as to arbitration.

A.D. 1881. any person nominated by the Board of Trade the provisions of the  
17 & 18 Vict. Common Law Procedure Act 1854 shall apply to every such  
c. 125. arbitration and the decision of the arbitrator shall be final and  
conclusive and binding on all parties.

Form and  
delivery of  
notices.

**62.** With respect to the notices to be delivered under the recited  
Orders and under this Act and to the delivery thereof by or to the  
Company the following provisions shall have effect (namely):

Every notice shall be in writing or print or partly in writing and  
partly in print and shall be sufficiently authenticated if given  
by the local authority by being signed by their clerk or  
secretary:

Any notice to be delivered by or to the Company to or by any  
road authority or local authority or other body or any company  
may be delivered by being left at the principal office of that  
authority body or company or of the Company (as the case  
may be) or by being sent by post in a registered letter  
addressed to their respective clerk or secretary at their principal  
office and every such letter shall be deemed to be received by  
the authority body or company or by the Company (as the case  
may be) on the day on which the same ought to be delivered  
at their principal office in the ordinary course of post.

Agreements  
between  
Company  
and road  
authorities.

**63.** The Company and any road authority may subject to the  
provisions of this Act from time to time enter into any agreements  
with respect to the constructing maintaining removing renewing  
repairing and using of the tramways situated within the district  
of such road authority and the rails plates sleepers and works  
connected therewith and the facilitating of the traffic over the  
same.

Contracts  
with road  
authority.

**64.** The Company shall if required by the road authority make  
contracts with the road authority for all or any of the purposes for  
which contracts may be made between the promoters of any tram-  
way undertaking and a road authority under the authority of  
section twenty-nine of the Tramways Act 1870 Provided always  
that the terms of any contract shall in case the same are not agreed  
upon between the Company and the road authority be determined  
by a referee to be appointed by the Board of Trade for such  
purpose.

Saving  
rights of  
corporation  
as to sewers.  
38 & 39 Vict.  
c. 55.

**65.** Nothing in this Act contained shall take away alter or  
diminish any of the powers rights or authorities of the Corporation  
as the sewer authority for the borough either under the powers  
conferred upon them by the Public Health Act 1875 or any other  
public or local and private Act or Acts of Parliament affecting the



A.D. 1881.

borough already existing or which may hereafter be passed enabling the corporation to construct maintain or repair cleanse alter discontinue or otherwise deal with any sewers or drains belonging to the corporation or over which they may from time to time have control or be empowered to construct and maintain and the corporation shall be entitled to require the Company to and the Company shall upon receiving eighteen hours' notice in writing from the corporation so to do either stop the traffic upon the tramways in any street or road to which such notice shall refer or shore up and secure the same at their own risk and cost and to the reasonable satisfaction of the surveyor for the time being of the corporation during the construction of the work in any such street or road Provided that all such work shall be done by the corporation with all reasonable despatch and with as little damage as reasonably may be to the tramways Provided further that the corporation shall not by reason of the execution of any such works incur any liability to the promoters except for damage caused by the unreasonable or wilful act or neglect of the corporation or their servants.

66. The Company shall not out of any money by this Act authorised to be raised by calls pay interest or dividend to any shareholder on the amount of 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.

Interest not to be paid on calls paid up.

67. 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.

68. 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 or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by the recited Acts and Orders.

Provision as to general tramway Acts.

69. 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.

Expenses of Act.

A.D. 1881.

SCHEDULE herein-before referred to.

AN AGREEMENT made the fourth day of June one thousand eight hundred and eighty-one between SIMON ARMSTRONG GRAHAM of 41 Corporation Street Manchester in the county of Lancaster merchant of the one part and JAMES ROBERTSON of Kellit Road Brixton in the county of Surrey gentleman a trustee for and on behalf of the Ipswich Tramways Company to be incorporated by Act of Parliament of the other part.

WHEREAS by a Provisional Order of the Board of Trade made under the authority of the Tramways Act 1870 and intituled the Ipswich Tramways Order 1879 and which was afterwards duly confirmed by the Tramways Orders Confirmation Act 1879 the construction of certain tramways (more particularly described in the said Order) in the borough of Ipswich in the county of Suffolk was authorised and certain rights authorities powers and privileges were conferred on the promoters :

And whereas by another Provisional Order of the Board of Trade made under the authority of the Tramways Act 1870 and intituled the Ipswich Tramways Order 1880 and which was afterwards duly confirmed by the Tramways Orders Confirmation Act 1880 the construction of certain tramways (more particularly described in the said Order) in the said borough of Ipswich aforesaid was authorised and certain rights authorities powers and privileges were conferred on the promoters thereof :

And whereas the said Simon Armstrong Graham is the promoter referred to in the said Orders of 1879 and 1880 respectively :

And whereas the said Simon Armstrong Graham has completed and opened for traffic sections of the tramways as follows part of section numbered one and the whole of sections numbered two and three as authorised by the said Order of 1879 and Act of Parliament confirming the same :

And whereas the said Simon Armstrong Graham is possessed of the horses cars plant and effects now used in working the tramways opened as aforesaid the particulars whereof are set forth in the Schedule hereto and he the said Simon Armstrong Graham is also entitled by virtue of a Memorandum of Agreement made the eighteenth day of October one thousand eight hundred and eighty between W F Winter of the one part and the said Simon Armstrong Graham of the other part to have a lease of the hereditaments and premises situate at Ipswich aforesaid therein described :

And whereas a Bill is now passing through Parliament the objects of which are (among other things) to incorporate the said James Robertson



William Bruce Dick of 101 Leadenhall Street in the city of London merchant and Peter Bruff of Ipswich aforesaid civil engineer and other persons and corporations therein referred to under the name of "The Ipswich Tramways Company" and to authorise the acquisition by them of the tramways already constructed or in course of construction in pursuance of the said Order of 1879 confirmed as aforesaid and all other the benefit and advantage of the said Orders of 1879 and 1880 together with the respective sums of six hundred and twenty-five pounds and one hundred and fifty pounds deposited in the Chancery Division of the High Court of Justice in pursuance of the said Orders respectively :

Now it is hereby agreed by and between the parties hereto for the considerations herein appearing as follows that is to say :—

1. The said Simon Armstrong Graham shall sell and the said James Robertson (on behalf of the said Ipswich Tramways Company hereinafter called the Company) when incorporated shall purchase Firstly All those the said Orders of 1879 and 1880 so made and confirmed as aforesaid and all the rights authorities powers privileges and interests of the said promoter to which by virtue of the said Orders and Act of Parliament respectively confirming the same or either of them or any other proceeding matter or thing relating thereto the said promoter now is or at any time hereafter shall or may be entitled Secondly All those the said tramways already constructed or in the course of construction or to be constructed in pursuance of the said Orders or Acts of Parliament or of any Order or Act of Parliament in any manner amending modifying or varying the said Order and Act of Parliament or either of them and the lands acquired for the purposes thereof together with the permanent way as laid with the sleepers rails and other fixed plant forming the same Thirdly All the right title claim and demand of the said promoter in to or upon the said sums of six hundred and twenty-five pounds and one hundred and fifty pounds deposited and now in the Chancery Division of the High Court of Justice and the interests and dividends now due or which hereafter may accrue in respect thereof respectively Fourthly All those the horses cars plant and effects the particulars whereof are set forth in the Schedule hereto and Fifthly All that the said recited agreement for a lease dated the eighteenth day of October one thousand eight hundred and eighty and all the estate right title interest claim and demand of the said Simon Armstrong Graham in to or upon the said hereditaments and premises.

2. As the consideration for the said sale and purchase the Company shall within fourteen days after the said recited Bill shall have become an Act of Parliament or within such further time thereafter as the said Simon Armstrong Graham shall allow pay to the said Simon Armstrong Graham in cash the sum of fourteen thousand six hundred and eighty pounds and the Company shall further in the deed or deeds of conveyance and assignment by the said Simon Armstrong Graham to the Company covenant to indemnify and save harmless the said Simon Armstrong Graham his heirs executors administrators and assigns and his and their estates and effects from and against all actions suits claims and demands for or by reason or on account or in consequence of any breach or nonperformance or alleged breach or nonperformance of any duty or obligation (if any) the performance of which is by the said Orders

A.D. 1881. respectively so confirmed as aforesaid or by the Tramways Act 1870 cast or made incumbent upon the person or persons representing the persons or person referred to in the said Orders as the promoters.

3. Concurrently with the payment of the said sum of fourteen thousand six hundred and eighty pounds the said Simon Armstrong Graham and all other (if any) necessary parties shall execute to the Company a proper deed or deeds of conveyance and assignment of the hereditaments and premises hereinbefore in clause 1 particularly mentioned which deed or deeds shall be prepared by the Company and the same shall contain all proper covenants and provisions for carrying this agreement into effect and shall be tendered to the said Simon Armstrong Graham for his approval at least four days before the day appointed for the completion of the purchase.

4. The said Simon Armstrong Graham shall retain possession of the said hereditaments and premises and receive all dues and fares arising therefrom and all rates taxes payments and other outgoings in respect of the same shall be discharged by him up to the date when the said sum of fourteen thousand six hundred and eighty pounds shall be paid to him or otherwise provided to his satisfaction.

5. The costs of and incidental to this agreement and the preparation hereof and also all costs charges and expenses in anywise relating or incidental to the said deed or deeds of conveyance and assignment or the preparation and completion thereof other than the perusal thereof by or on behalf of and the execution thereof by the said Simon Armstrong Graham shall be borne by the Company.

6. This agreement shall be subject to such alterations as Parliament shall think fit to make therein but if the Committee on the Bill make any material alteration herein it shall be competent to either party hereto to withdraw the same.

7. In the event of the said Bill not becoming an Act of Parliament on or before the first day of August next this agreement and everything herein contained shall be determined and become void.

8. The said James Robertson enters into this agreement as agent for and on behalf of the Company and without incurring any personal liability.

As witness the hands of the said parties the day and year first above written.

S. ARMSTRONG GRAHAM.  
JAMES ROBERTSON.

Witness to the signature of Simon Armstrong  
Graham,

JNO. M. COTTON,  
41 Corporation Street Manchester.



[44 & 45 VICT.]      *Ipswich Tramways Act, 1881.*      [Ch. cix.]

THE SCHEDULE REFERRED TO IN THE ABOVE WRITTEN AGREEMENT. A.D. 1881.

Four cars.

Six horses.

Six sets of harness.

Stabling utensils and clothing as same now are in the stabling hereinbefore referred to.

S. ARMSTRONG GRAHAM.  
JAMES ROBERTSON.

Witness to the signing hereof by Simon  
Armstrong Graham,  
JNO. M. COTTON,  
41 Corporation street Manchester.

Witness to the signature hereof by James  
Robertson,  
EDWARD SWAIN,  
Managing Clerk to McDiarmid and Teather  
5 Newman's Court Cornhill E.C. Solicitors.

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