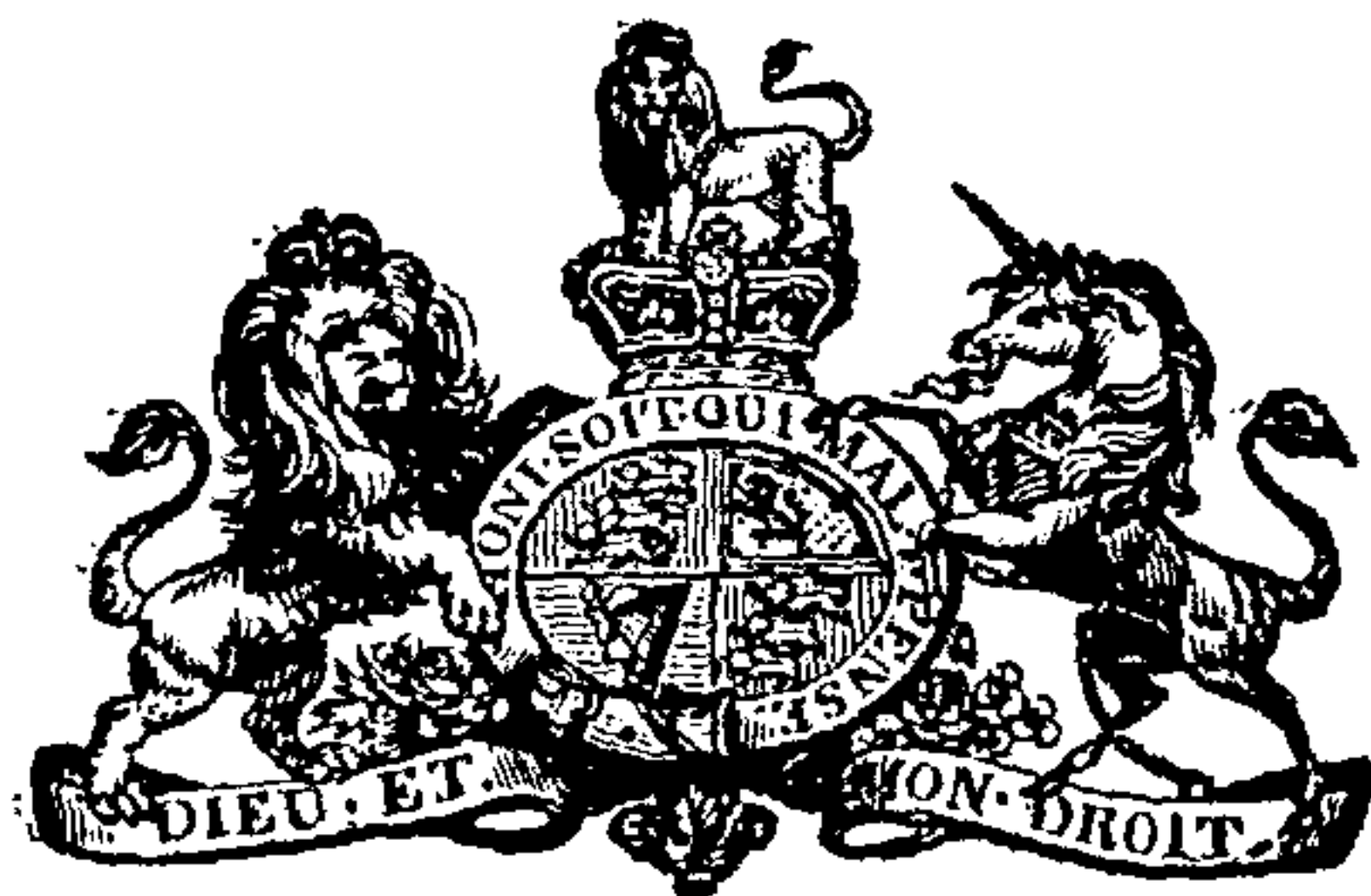


[51 & 52 VICT.]

*South Eastern Metropolitan
Tramways Act, 1888.*

[Ch. clxxxvi.]



CHAPTER clxxxvi.

An Act for making Tramways in the parishes of Lewisham and Greenwich in the county of Kent; and for other purposes. A.D. 1888.
—
[7th August 1888.]

WHEREAS the construction of certain tramways in the parishes of Greenwich and Lewisham in the county of Kent would be of local and public advantage:

And whereas the persons hereinafter named with others are willing at their own expense to construct and maintain the said tramways on being incorporated into a Company for the purpose:

And whereas plans and sections showing the lines and levels of the tramways and works authorised by this Act and also books of reference to those plans have been duly deposited with the clerk of the peace for the county of Kent and those plans sections and books of reference are hereinafter and respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited for all purposes as the South Eastern Metropolitan Tramways Act 1888. Short title.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to the cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Act 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) the Lands Clauses Consolidation Acts Incorporation of general Acts.

[Price 1s. 3d.]

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A.D. 1888. Amendment Act 1860 and section three (interpretation of terms) section nineteen (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable to and not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act and shall apply to the undertaking of the Company.

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 expressions "the tramways" and "the undertaking" mean respectively the tramways and works and undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" 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 simple contract debt and not a debt or demand created by statute and 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 section forty-three of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company.

Company
incorporated.

4. Edward John Bridgman, Arthur Thomas Mallock Bond, Cornelius Wycombe Tubby, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the tramways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The South Eastern Metropolitan Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase to take hold and dispose of lands and other property for the purposes of this Act.

Power to
make tram-
ways.

5. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may make form lay down work use and maintain the tramways hereinafter 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 and with all proper rails plates works and conveniences connected therewith. The tramways hereinbefore referred to and

authorised by this Act are situate wholly in the county of Kent and are— A.D. 1888.

Tramway (No. 1) of which 6 furlongs 6·10 chains will be single line and 2 furlongs 8·10 chains will be double line situate wholly in the parishes of Greenwich and Lewisham commencing in South Street in the parish of Greenwich at a point opposite the drinking fountain passing thence in a southwardly direction along South Street Lewisham Road and High Street Lewisham and terminating in the parish of Lewisham in the said High Street at a point five chains north of the northern side of Avenue Road:

Tramway (No. 2) of which 1 mile 2·30 chains will be single line and 2 furlongs 1 chain double line wholly in the parish of Lewisham commencing at the termination of Tramway No. 1 passing in a southward direction through High Street Lewisham and Broadway and terminating at a point 2·1 chains south of the southern end of the drinking trough in front of the Black Horse Inn.

6. In constructing and maintaining the Tramway No. 1 and works by this Act authorised where it is intended to pass over the London Chatham and Dover Railway (hereinafter called "the railway") by means of the bridge carrying the Lewisham Road over the railway the said bridge shall not at any time be interfered with without the previous consent in writing of the principal engineer having the charge of the railway and all works shall be done under the superintendence and to the reasonable satisfaction of such principal engineer and according to plans to be reasonably approved by him before such tramway or works are begun and he may appoint and employ such necessary inspectors and watchmen as he may think proper to superintend the execution of the works and to secure the safety of the railway and works and the cost of all such works as well as of the superintendence thereof as before provided for shall be borne and defrayed by the Company and such works shall be carried out so as not to cause any injury to the railway or the works thereof or any interruption of the passage or conduct of traffic over or along the railway and if any injury owing to or by reason of the construction maintenance or repair of the said tramway or works shall arise to the railway or works or interruption to any such traffic the Company shall make full compensation in respect thereof to the London Chatham and Dover Railway Company.

For the protection of the London Chatham and Dover Railway Company.

7. 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 eight hundred and seventy-

Deposit fund.

A.D. 1888.

two pounds four shillings being equal to five per centum upon the amount of the estimate in respect of the tramways has been deposited with the Paymaster General for and on behalf of the Supreme Court of Judicature 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 the 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 hereby authorized the High Court of Justice in England shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

8. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satis-

A.D. 1888.

fraction of such compensation as aforesaid in such manner and in such proportions as to 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 Court thinks fit to order on the application of the solicitor to 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 Court 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 hereinbefore 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.

9. 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 Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

Further provisions as to construction of tramways.

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

Mode of formation of tramways.

A.D. 1888.

Company
may be re-
quired to use
improved
form of rail.

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

Inspection
by Board of
Trade.

12. 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 sur-
face of road.

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

Penalty for
not maintain-
ing rails and
roads.

14. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised and of all other tramways of the Company and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section twenty-eight of the Tramways Act 1870 they shall be for every such offence subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty may be recovered in manner provided by section fifty-six of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in 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 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 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 section imposed.

15. In addition to any other provisions of this Act the Company shall maintain and keep the tramways so far as they are within the district of the Board of Works for the district of Greenwich in good condition and repair to the satisfaction of the said District Board of Works and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and such penalty may be recovered in manner provided by the said section fifty-six of the Tramways Act 1870 but by the said District Board of Works only.

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

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

Traffic to be suspended during works of drainage.

17. If and whenever the Metropolitan Board of Works shall require to alter or widen any part of a street in which any tramway of the Company is laid the said Board may if they think fit (having given at least one month's previous notice in writing to the Company of their intention so to do) require the Company to remove or alter any such tramway or portion of tramway to such position as the said Board may require and the Company shall with all reasonable dispatch proceed to remove or alter such tramway or portion of tramway either temporarily or permanently accordingly at their own expense and without any claim for compensation against the said Board in respect of such removal or alteration for any loss of traffic or otherwise consequent thereon.

Power to Metropolitan Board of Works to require Company to remove tramways in certain cases.

18. Every local or sewer authority and every sanitary 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

Local sanitary and sewer authorities to have access to sewers.

A.D. 1888. the case of any sewer or private drain of or under the control of such local or sewer or sanitary authority as if the same were a pipe for the supply of gas or water.

Additional crossings passing places, &c., may be made where necessary.

19. 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 authorized 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 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.

Temporary tramways may be made when necessary.

20. Where by reason of the execution of any work affecting the surface or soil of the road along which any tramway is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent of the road authority subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued If any difference arises between the Company and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or 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.

Application of road materials excavated in construction of works within jurisdiction of Greenwich district

21. Any paving metalling or material excavated by the Company in the construction of the undertaking from any road within the district of the Board of Works for the Greenwich district may be applied by the Company so far as may be necessary in making the foundation for the tramway and so far as the same is approved by the road surveyor for the time being to the said Board in the reinstating of the road and the surplus paving metalling or material not

so used or approved as aforesaid shall be delivered to such surveyor or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the excavation of any such paving metalling or material and notice duly given the same is not removed by such surveyor or by some other person or persons named by him for that purpose such paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Company and the 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.

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Board of
Works.

22. Any alteration repair or improvement of any of the bridges or roads repairable by the inhabitants of the county of Kent or of any parish or other district therein or any alteration of or in the position of the same may be made as if this Act had not passed and if any such alteration repair or improvement necessitates or renders expedient in the opinion of the justices of the county of Kent in their annual general sessions or in their court of quarter sessions assembled or in the opinion of the county surveyor employed to carry out any such alteration repair or improvement any alteration either temporary or permanent in the level or position of any of the works by this Act authorised to be made in over or through any of the bridges or roads aforesaid or necessitates or renders expedient in such opinion any support either temporary or permanent to any such works the Company shall after fourteen days' notice in writing by the county surveyor on behalf of the justices forthwith make such alteration or afford such support at their own expense :

Works not
to prevent
improvement
of county
roads and
bridges.

And if the Company shall not forthwith comply with such notice it shall be lawful for the justices of the said county if they think fit to do the necessary work and to recover the expense from the Company :

And if through any alteration improvement or repair of any of the said bridges or roads the working of the works of the Company is interrupted or stopped neither the inhabitants of the said county nor the justices of the same nor any of them shall be responsible to the Company or to any one for any loss damage or inconvenience occasioned by such stoppage or interruption :

Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the said justices all costs losses damages and expenses which may be occasioned to

A.D. 1888.

the justices or to any of their bridges or approaches by reason of the execution or failure of any of the intended works or of any act or omission of the Company or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Company will effectually indemnify and hold harmless the justices from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission.

For the protection of the Board of Works for the Lewisham district.

23. For the protection of the Board of Works for the Lewisham district (in this section called "the district board") the following provisions shall have effect with respect to such of the tramways as are to be laid upon along or across any street or road within the said district (that is to say) :—

1. The position of the rails shall (but subject always to the provisions of this Act and the regulations of the Board of Trade) be defined and settled by the district board and no rails shall be laid along upon or across any street or roadway in any other position than such as shall have been approved of in writing by the district board :
2. The rails to be used for all such tramways as aforesaid shall be of such description as the district board shall direct and the tramways and rails shall be constructed in such mode and of such material and the rails shall be of such size as the district board shall approve and in the event of any rails or tramways other than those prescribed being laid or any other construction than that prescribed being adopted the district board may if they think fit take up the rails and tramways laid along any street where such default as aforesaid has been made :
3. The whole space between the rails and for a distance of eighteen inches beyond each external rail and the whole space between the two lines where the tramway is double shall be paved by the Company to the satisfaction of the district board with such paving as may be approved of by the district board and shall at all times be kept in good repair by the Company :
4. The Company shall as they make and construct the said tramways hereby authorised to be laid re-level and re-make to the satisfaction of the surveyor of the district board the whole width of the road along across or over which such tramways or any of them are laid :
5. The Company shall lay with granite wood or such other material as the district board shall select upon a bed of cement or lime

concrete (at the option of the board) not less than six inches deep the whole width of the street or road between the Anchor Brewery and the Sidney Arms where now partly paved and at all passing places from kerb to kerb irrespective of width :

6. If at any time after the opening of the tramways in any street or road in the said district the streets or roads are not maintained in an efficient state of repair as hereinbefore provided the Company shall forfeit and pay to the district board the sum of fifty pounds as liquidated damages but if any dispute arises with respect to the efficiency of such repair the question shall be referred to an umpire to be appointed by the Board of Trade who in his award shall state if such road or roads are not efficiently repaired by the Company and in such case shall state in what respect such road or roads are not so repaired and shall fix a definite time for such repairs to be made and thereupon the Company shall forfeit and pay to the district board the sum of one hundred pounds and if within the time so fixed as aforesaid the Company shall not so repair such road or parts of roads to the satisfaction of the surveyor of the district board then the Company shall forfeit to the district board the sum of five pounds per day for every day during which such repairs or any of them shall not be carried out The cost of and occasioned by such arbitration shall be in the discretion of the umpire :
7. The district board may at the sole expense of the Company remove any man-hole ventilator or other communication with any sewer which is situate under that part of any road which the Company are by section twenty-eight of the Tramways Act 1870 or this Act required to maintain and repair and may re-construct and relay any such man-hole ventilator and other communication respectively in other parts of the said road :
8. The district board may whenever it is necessary or proper to take up or remove any part of the tramway or paving for the purpose of laying or constructing any new sewer or drain or repairing or inspecting any old sewer or drain give notice to the Company and they shall thereupon be entitled to take up and remove the said tramway and paving at the sole expense of the Company :
9. The district board may cleanse every street and road in which any tramway is laid without reference to the tramways but whatever cleansing owing to snow filth or other matters impeding the traffic is requisite for the proper working the

A.D. 1888.

tramways shall be executed by and at the risk of the Company who shall remove the snow filth or other matter from off the road forthwith and not place it on any other part of the road :

10. All paving metalling and other materials excavated or taken up by the Company in the construction of any of the tramways in the said district shall remain the property of the district board and all such paving metalling and other materials (except such earth or other useless material as the surveyor shall give written notice to the Company that he does not require) as and when removed shall be deposited or stored apart from other materials in such place as the surveyor to the district board may consent to except that the Company shall be entitled to use all such materials as aforesaid for the purpose of making and repairing the same tramways and road so to be kept in repair by the Company as aforesaid :
11. The district board may from time to time make rescind alter or repeal bye-laws and regulations for further securing the public safety and regulating the traffic on the roads traversed by such tramways also as to the construction and condition of carriages to be used thereon and as to the mode in which the drivers shall notify their approach or proximity to other vehicles on the road and may also by such bye-laws fix a minimum number of carriages that shall be daily run on the tramways and sections thereof but such minimum shall not be more than a sufficient number of carriages to afford a service of one car each way each and every fifteen minutes and otherwise regulate the traffic thereof and there may be annexed to any breach of such bye-laws or regulations such penalties to be recovered in a summary manner as they may think necessary provided always that such bye-laws shall not be in contravention of the regulations (if any) of the Board of Trade in respect to the said tramways :
12. The Company shall within one month after demand pay to the district board all costs charges and expenses properly incurred by the district board in relation to this Act or to the proposed tramways and shall also pay from time to time on demand to the district board all reasonable and proper costs charges and expenses which the district board may from time to time incur in making bye-laws or for superintendence of the works during the construction or any alteration of the said tramways or by or in consequence of the exercise of any of the powers or duties conferred upon the district board by this Act :

13. Nothing in this Act contained shall extend or be construed to extend or alter abridge or take away any of the rights powers and privileges conferred upon the district board by the Metropolis Management Act 1855 or any other Act relating to that board or any of the rights powers and privileges conferred upon the district board by the Tramways Act 1870: A.D. 1888.
14. If any difference arise between the district board and the Company touching the meaning of this section or any thing to be done or not to be done thereunder such difference shall be settled unless herein otherwise provided by section thirty-three of the Tramways Act 1870 sub-section four.
24. The capital of the Company shall be fifty thousand pounds divided into five thousand shares of ten pounds each. Capital.
25. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof. Shares not to issue until one-fifth paid up.
26. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls. Calls.
27. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt clause in case of persons not sui juris.
28. The Company may from time to time borrow on mortgage any sums not exceeding in the whole twelve thousand five hundred pounds and of that sum they may borrow six thousand two hundred and fifty pounds when and as each twenty-five thousand pounds of capital has been issued and accepted and one-half thereof has been paid up but no part of the respective sums of six thousand two hundred and fifty pounds shall be borrowed until one-half of the line shall have been opened for public traffic and the whole of the respective portions of twenty-five thousand pounds of capital 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 respective portion of capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bona fide and is held by the

A.D. 1888. persons or corporations to whom the same was issued or by 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.

For appoint-
ment of
receiver.

29. 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.

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

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

Indorsement
of notice of
power of
future pur-
chase by
local autho-
rity.

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

Moneys
borrowed on
mortgage to
have priority.

32. All moneys to be borrowed on mortgage under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages.

Company not to
create debenture
stock.

33. The Company shall not create debenture stock.

Application
of moneys.

34. All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

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

First ordinary meeting.

36. The number of directors shall be five.

Number of directors.

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

Qualification of directors.

38. The quorum of the meeting of directors shall be three.

Quorum.

39. Edward John Bridgman, Arthur Thomas Mallock Bond, Cornelius Wycombe Tubby, and two other persons to be nominated by them or the majority of them and consenting to such nomination 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 nominated as aforesaid 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 or nominated as aforesaid 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 of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors.

Election of directors.

40. 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 except as to so much thereof as shall then be completed.

Period for completion of works.

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

Purchase of land by agreement.

42. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water

Power to take easements, &c., by agreement.

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required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Tolls for passengers.

43. The Company may demand and take for any passenger travelling upon the tramways or any part or parts thereof including tolls for the use of the tramways and of carriages and for motive power and for every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile and in computing the said tolls or charges a fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than two pence.

Passengers' luggage.

44. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage be carried by hand and at the responsibility of the passenger and shall not occupy any part of the seat nor be of a form or description to annoy or inconvenience other passengers.

Company not to carry animals or goods on tramways.

45. The Company shall not carry on the tramways any goods animals or other things than passengers and passengers' luggage not exceeding the weight in this Act in that behalf mentioned and small parcels and the Company shall not attach to any carriage horse or other thing at any time used by or driven on the tramway any bells or other noisy instruments or things under a penalty of forty shillings for each offence.

Tolls for parcels, &c.

46. The Company may demand and take for small parcels conveyed by them (exclusive of a reasonable charge for collection and delivery whenever any such service is performed by them) any tolls or charges not exceeding the rates following (that is to say):—

For any parcel not exceeding seven pounds in weight three pence:

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight five pence:

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight seven pence:

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight nine pence:

For any parcel or thing exceeding fifty-six pounds in weight such sum as the Company may think fit.

Cheap fares for labouring classes.

47. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least

two 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 Company think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

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48. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Company may by notice to be annexed to the list of tolls appoint.

As to payment of tolls.

49. 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 of 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

Periodical revision of tolls.

50. The Company shall not under the powers of this Act without the consent of the Secretary of State for the Home Department

Restriction on displacing

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persons of
labouring
class.

purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

Carrying of
mails by
Company.

51. The Company if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:—

(a) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Company in or upon any carriage (that is to say):—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers which ever is the greater.

(b) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.

(c) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger.

(d) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway.

(2) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant-secretary of the post office or the inspector general of mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

52. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect (namely):—

1. Every notice shall be in writing or print or partly in writing and partly in print and if given by any road authority shall be signed by their clerk or secretary ;
2. Any notice to be delivered by or to the Company or by or to any road 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

Form and
delivery of
notices.

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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.

For protec-
tion of Met-
ropolitan
Board of
Works.

53. 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 under the jurisdiction of that Board or for the purpose of constructing repairing and maintaining the sewers along or under any such road or street.

Interest not
to be paid
on calls
paid up.

54. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him 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.

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

55. 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.

Provision
for general
Acts.

56. 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 of tolls or charges authorised by this Act.

Costs of Act.

57. 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.

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