



CHAPTER ccxxiv.

An Act to authorise the construction of Tramways in and near the town of Croydon, in the county of Surrey; and for other purposes. A.D. 1878.
[8th August 1878.]

WHEREAS the laying down of tramways in certain streets and roads in the town and parish of Croydon, in the county of Surrey, to be worked by animal power only, would be of local and public advantage :

And whereas the several persons herein-after named in that behalf are, with others, willing at their own expense to construct and maintain the tramways herein-after mentioned :

And whereas plans and sections of the proposed tramways showing the lines and levels thereof have been deposited with the clerk of the peace for the county of Surrey, and are herein-after respectively referred to as the deposited plans and sections :

And whereas the objects aforesaid 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; (that is to say,)

1. This Act may be cited for all purposes as the Croydon Tramways Act, 1878.

2. The Companies Clauses Consolidation Act, 1845, and Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except the provisions thereof with respect to the purchase of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking, section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

[Ch. CCXXIV.] *Croydon Tramways Act, 1878.* [41 & 42 VICT.]

A.D. 1878. Parts II. and III. of the Tramways Act, 1870, so far as the same respectively 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 or inconsistent with such construction, or unless herein otherwise provided:

The expression "the Company" means the Company incorporated by this Act:

The expressions "the tramways," except when the tramways by this Act authorised, any or either of them, are expressly mentioned, and "the undertaking" shall respectively mean and include the tramways and works connected therewith by this Act authorised to be made:

8 & 9 Vict.
c. 16. The word "contingencies" in the Companies Clauses Consolidation Act, 1845, section 122, shall, with reference to the Company, be construed to include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act, 1870, at a sum less than the aggregate amount of the capital and debts of the Company:

33 & 34 Vict.
c. 78. The expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company
incorporated. **4.** Jabez Spencer Balfour, Francis Moses Coldwells, John Pelton, Joshua Alder, David Buck Miller, 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 they 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 Croydon Tramways Company," and by that name shall be a body corporate with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to
make tram-
ways ac- **5.** Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain the tramways herein-after

described, in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are,—

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According to deposited plans.
33 & 34 Vict. c. 78.

Tramway No. 1.—A tramway, one mile and forty-one chains or thereabouts in length, commencing at Thornton Heath, in the London Road in the parish of Croydon, and terminating in North End in the parish of Croydon aforesaid :

Tramway “a,” being a short siding or passing-place connected with and subsidiary to Tramway No. 1 :

Tramway No. 2.—A tramway, one mile twenty chains and sixty-nine links or thereabouts in length, commencing in the Brighton Road in the parish of Croydon, and terminating in High Street, Croydon :

Tramway “c,” being a short siding or passing-place connected with and subsidiary to Tramway No. 2 :

Tramway No. 3.—A tramway, twenty-four chains and sixty links or thereabouts in length, commencing in Saint James’s Road near the junction of that road with Milton Road, and terminating in Saint James’s Road, near the junction of that road with Oakfield Road :

Tramway No. 4.—A tramway, seventy-eight chains and eighty-three links or thereabouts in length, commencing near Princes Road, South Norwood, and terminating in Saint James’s Road aforesaid by a junction with Tramway No. 3 :

A tramway “d,” being a short siding or passing-place connected with and subsidiary to Tramway No. 4 :

Tramway No. 5.—A tramway, twenty-six chains and twenty links or thereabouts in length, commencing by a junction with Tramway No. 3, and terminating in the London Road by a junction with Tramway No. 1 :

All the tramways and works hereby authorised shall consist of a single line of tramway, and will be situate in the parish of Croydon, in the county of Surrey.

6. Notwithstanding anything contained in the deposited plans, the Tramways Nos. 3 and 4 shall commence at the places herein-before stated instead of at the places shown on the deposited plans.

Certain works not to be executed.

7. The capital of the Company shall be sixty thousand pounds in six thousand shares of ten pounds each.

Capital.

8. 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

Shares not to issue until one-fifth part paid up.

A.D. 1878. less than one fifth of the amount of such share is paid in respect thereof.

Calls.

9. 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 fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

10. If any money be 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.

Power to divide shares.

11. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up; and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company especially convened for the purpose on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of profits of the year only.

13. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of

the profits of any subsequent year or out of any other funds of the Company.

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14. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Half shares to be registered and certificates issued.

15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated in certificates.

16. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Forfeiture of preferred shares.
8 & 9 Vict. c. 16.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled, &c.

18. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

19. The Company may from time to time borrow on mortgage any sum not exceeding in the whole fifteen thousand pounds, but no part thereof shall be borrowed until the whole capital of sixty 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

Power to borrow on mortgage.

8 & 9 Vict. c. 16.

A.D. 1878. 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.

As to appointment of a receiver.

20. 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 two thousand pounds in the whole.

Mortgages to comprise purchase money paid on compulsory sale. 33 & 34 Vict. c. 78.

21. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act, 1870, and may comprise all or any moneys carried to a contingency fund according to the terms of the mortgage.

Indorsement as to power of future purchase by local authority. 33 & 34 Vict. c. 78.

22. Every mortgage deed to be granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways in the event of their being purchased by the local authority under section 43 of the Tramways Act, 1870.

Company not to create debenture stock.

23. The Company shall not create debenture stock.

Application of moneys.

24. All moneys raised under this Act, whether by shares or borrowing, shall be applied to the purposes of this Act only.

First ordinary meeting.

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

Number of directors.

26. The number of directors shall be five, but the Company may from time to time reduce that number, provided that it be not less than three.

Qualification of directors.

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

28. The quorum of a meeting of directors shall be three, provided that while the number of directors shall be three the quorum of a meeting shall be two.

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Quorum of directors.

29. Jabez Spencer Balfour, Francis Moses Coldwells, John Pelton, Joshua Alder, and David Buck Miller 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 (subject to the power herein-before contained for reducing the number of directors) 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.

8 & 9 Vict.
c. 16.

30. The Company may purchase and acquire by agreement, or take and hold upon lease or otherwise, such lands as they may require for their undertaking, not exceeding in the whole five acres.

Purchase of lands by agreement.

31. Persons empowered by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, to sell and convey or release lands, may, if they think fit, subject to the provisions of the said Acts and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, 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 rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants, or to such easements, rights, or privileges, as aforesaid.

Company may acquire easements, &c. by agreement.
8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.

32. 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, the sum of two thousand six hundred and three pounds eighteen shillings and threepence New Three pounds per Centum Annuities, being five per centum upon the amount of the estimate in respect of the tramways, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act: And whereas since the said annuities were transferred as aforesaid,

Deposit money not to be repaid except so far as tramways are opened.

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the estimate of the expense of the tramways authorised by this Act has, by the abandonment of a portion of the tramways comprised in the Bill for this Act, been reduced to thirty-four thousand one hundred and twenty-five pounds five per centum, upon which at the price at which the same annuities were purchased is equal to one thousand seven hundred and seventy-nine pounds thirteen shillings and threepence New Three pounds per Centum Annuities: Be it enacted, that, notwithstanding anything contained in the said Act, one thousand seven hundred and seventy-nine pounds thirteen shillings and threepence New Three pounds per Centum Annuities (in this Act referred to as the deposit fund), part of the said two thousand six hundred and three pounds eighteen shillings and threepence New Three pounds per Centum Annuities, shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors or survivor, are or is in this Act referred to as the depositors), unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways open the tramways 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 authorised, the court shall, on the application of the depositors, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed; anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

33. 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 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.

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

Period for completion of works.

35. Subject to the provisions of this Act, every tramway to be made or laid down under this Act shall be constructed with two grooved rails, or with improved rails if required 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.

36. The Board of Trade may from time to time, upon the application of the local authority or road authority, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest,

Company may be required to use improved form of rail.

A.D. 1878. having regard to the greater security of the public and advantage to the ordinary traffic; and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying into effect any such improvements.

For protection of the Croydon Local Board.

37. For the protection of the Local Board of Health for the district of Croydon (herein-after called "the local board"), the following provisions shall have effect and be applicable in the case of every tramway by this Act authorised, so far as the same is to be laid upon, along, or across any public street or road within the district of the local board; that is to say,

- (1.) The position of the rails shall, but subject always to the provisions of this Act, be defined and settled by the local board, and no rails shall be laid along or upon any street or roadway in any other position than such as shall have been approved of in writing by the local board, such approval to be authenticated by the signature of their clerk to a plan showing the intended position of the rails:
- (2.) The whole space between the rails and for a distance of 18 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 local board with wood or other paving, to be approved of by the said board, and shall at all times be kept in good repair by the Company:
- (3.) The Company shall, within fourteen days from the passing of this Act, pay to the local board all the costs, charges, and expenses incurred by the said board by or in consequence of the application to Parliament for the Bill for this Act and incurred by the said board in the negotiations with respect or in relation to the proposed tramways, and shall also pay to the said board all costs, charges, and expenses which the said board may from time to time incur by or in consequence of the making of the intended tramways:
- (4.) The provisions contained in this section shall be applicable in the case of Tramway No. 5, when and so soon as the Oakfield Road shall become a public road.

As to Tramway No. 5.

38. And whereas Albert Grant, of Lombard Street, in the City of London, banker, is or claims to be the owner of the Oakfield Road, along which Tramway No. 5 is proposed to be laid down: Be it enacted as follows:

- (1.) If Tramway No. 5 shall be laid down before the Oakfield Road becomes a public road, the whole space between the

rails, and for a distance of 18 inches beyond each external rail, shall be paved by the Company to the satisfaction of the said Albert Grant, or other such owner as aforesaid, with the same paving and in the same manner as shall be required by the local board in respect of the other tramways, and the whole road shall at all times be kept in good repair by the Company :

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- (2.) The Company shall, within fourteen days from the passing of this Act, pay to the said Albert Grant, or such other owner as aforesaid, his executors and administrators, all the costs, charges, and expenses incurred by him or them by or in consequence of the application to Parliament for the Bill for this Act, and incurred by him or them in the negotiations with respect or in relation to the said proposed Tramway No. 5, and shall also pay to the said Albert Grant, or such other owner as aforesaid, his executors and administrators, all costs, charges, and expenses which he or they may from time to time incur by or in consequence of the making of the said tramway :
- (3.) Prior to the Oakfield Road becoming a public road the Company shall do all such things in reference to Tramway No. 5, and the paving on which the same is laid, as the local board may reasonably require, and the local board shall not be bound to accept a transfer of the said road to become a public road, and under their management and control, until the things so required by them shall have been done to their satisfaction.

39. 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.

Inspection by Board of Trade.

40. 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, 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.

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

41. 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 on any road, the rails of the tramways and the substructure on which the same rest; and if the Company at any time fail to comply with this provision, or with the provisions of section 28 of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such non-

Penalty for not maintaining rails and road in good condition.

33 & 34 Vict. c. 78.

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compliance continues, and such penalty shall be a penalty within the meaning of section 56 of the said Act.

Sewer authority to have access to sewers.

33 & 34 Vict. c. 78.

42. Every sewer authority shall at all times have free access to and communication with all their sewers and drains; and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Company; and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Power to make additional crossings, passing-places, &c. where necessary.

43. The Company may, subject to the provisions of this Act, with the consent of the local authority and road authority, from time to time make, maintain, alter, and remove such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses, stables, engine-sheds, 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; and provided also, that, notwithstanding anything contained in the deposited plans or in this enactment, the Company shall not, unless with the previous consent in writing of the London, Brighton, and South Coast Railway Company, make any such crossings, passing-places, sidings, junctions, or other works so as to impede access to the West Croydon Station of the same railway company.

Application of road materials excavated in construction of works.

33 & 34 Vict. c. 78.

44. Any paving, metalling, or material excavated by the Company in the construction of the undertaking 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 the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act, 1870, required to maintain, and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same; provided that, if within seven days after the

setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice duly given, such surplus is not removed by such surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such a manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to differences between the promoters and any road authority.

A.D. 1878.

33 & 34 Vict.
c. 78.

As to
temporary
tramways.

45. 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 shall, within fourteen days of receiving an order in writing from any road authority under the hand of their clerk or secretary, discontinue or take up such tramway for such term as may be necessary for the execution of the said work; provided that the Company may, with the sanction of the road authority, and subject to such conditions and in accordance in all respects with such regulations as they, the said road authority, may from time to time make or prescribe, construct on the same or any adjacent road, and with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued to be used.

46. Wheresoever the tramway is intended to be constructed upon a bridge carrying a road over a railway belonging to the London, Brighton, and South Coast Railway Company, the following provisions shall apply:

For protec-
tion of
bridges over
London,
Brighton, and
South Coast
Railway.

(A.) The Company shall give fourteen days notice in writing to the railway company of the intention to commence the construction of the tramway, and shall at the same time send sufficient specifications or other information to show the nature of the interference with the bridge:

(B.) If the engineer of the railway company shall be of opinion that the mode of constructing the tramway will render the bridge insecure or injure it, and no method is agreed on of constructing the tramway to the satisfaction of the said engineer, the matter shall be referred to some engineer to be agreed upon between the parties, or if they cannot agree, to be appointed by the Board of Trade, and the award of such referee shall be binding on both companies.

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(c.) The works on the bridge shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the railway company :

(d.) Any additional expense in the maintenance of the bridge or of the roadway on the same, or of the approaches thereto, occasioned by the construction, use, and maintenance of the tramway shall be borne by the Company.

Company
may build
offices, &c.
and sell or
let and
re-purchase
lands.

47. The Company may build upon any lands to be purchased or acquired by them for their undertaking such offices, stables, sheds, carriage-houses, and other buildings as may be considered necessary or expedient for their undertaking, and the Company may sell the lands to be purchased or acquired by them for their undertaking, or any part thereof, in such manner, for such price, and at such rent as they may think fit, and again purchase or acquire other lands for their undertaking, and afterwards sell the same, and so from time to time ; but, nevertheless, the total quantity of land to be held at any one time by the Company for their undertaking shall not exceed five acres.

Tolls for
passengers.

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

Passengers
luggage.

49. Every passenger travelling upon any of 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 a seat, nor be of a form or description to annoy or inconvenience other passengers.

Small
parcels.

50. The Company may demand and take for every parcel conveyed by them on the tramways any sums not exceeding the following :

For every parcel not exceeding seven pounds in weight, threepence ;

For every parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence ;

For every parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence ;

For every parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence.

51. The Company shall not be bound, unless they think fit, to carry passengers luggage exceeding the weight in this Act in that behalf mentioned, nor any parcel or goods.

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Company not bound to carry goods.

52. No goods, animals, articles, or things; other than passengers and passengers luggage and parcels not exceeding fifty-six pounds in weight, shall be conveyed on the tramways, nor shall any carriages, trucks, or waggons constructed for use upon a railroad be permitted to pass along the tramways.

Heavy traffic prohibited.

53. 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 Board shall have power to fix and regulate the same from time to time.

Cheap fares for labouring classes.

54. With respect to the notices to be given by or to the Company and to the delivery thereof by or to the Company, the following provisions shall have effect; namely,

Form and delivery of notices.

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by any local authority or any road authority, shall be sufficiently authenticated by being signed by their clerk or secretary:

(2.) Any notice to be delivered by or to the Company to or by any local authority or 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.

55. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

Interest not to be paid on calls paid up.

8 & 9 Vict. c. 16.

[Ch. ccxxiv.] *Croydon Tramways Act, 1878.* [41 & 42 Vict.]

A.D. 1878.

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

56. 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 tramways or to execute any other work or undertaking.

Tramways
not exempt
from pro-
visions of
present and
future gene-
ral Acts.

57. 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.

Expenses of
Act.

58. 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.