CHAPTER cxc.

An Act to empower the Harrow Road and Paddington Tramways Company to work their tramways by mechanical power to lease their undertaking to the Metropolitan Electric Tramways Limited and for other purposes. A.D. 1903.

[11th August 1903.]

WHEREAS the Harrow Road and Paddington Tramways Company (in this Act called "the Company") were incorporated by the Harrow Road and Paddington Tramways Act 1886 and further powers were conferred upon the Company by the Harrow Road and Paddington Tramways Acts 1891 1893 and 1894:

And whereas it is expedient that the Company should be empowered to work their tramways by mechanical power as provided by this Act

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas it is expedient that the Company should be authorised to lease their undertaking to the Metropolitan Electric Tramways Limited:

And whereas it is expedient having regard to the capital to be expended by the Company in equipping their tramways for working by mechanical power that provision should be made for postponing the time at which the local authorities are under section 43 of the Tramways Act 1870 authorised to acquire the Company's tramways:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with

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the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited for all purposes as the Harrow Road and Paddington Tramways Act 1903.

Incorporation of general Acts.

2. The following parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock; and

The provision to be made for affording access to the special Act:

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by subsequent Acts section 3 (Interpretation of terms) and Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870.

Interpretation.

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

The expression "the tramways" shall mean the tramways of the Company;

The expression "mechanical power" includes steam electrical and every other motive power not being animal power;

The expression "engine" includes motor;

The word "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 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.

Power to make additional cross-overs and to double tramway lines.

4.—(1) The Company may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs passing-places sidings junctions and other works as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables carriage-houses engine houses stationary engines works or buildings of the Company.

(2) The Company may with the consent of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time the road in which any tramway or part thereof is laid has been or shall be altered or widened the Company may with the like consent take up or reconstruct such tramway in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one-third of such premises by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Sanitary authority to have access to sewers.

5. 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 sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the said authority as if the same were a pipe for the supply of gas or water.

As to conveyance of mails.

6. Notwithstanding any provision in any Act relating to any of the existing tramways the Conveyance of Mails Act 1893 shall extend and apply to all the tramways of the Company as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-

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three and to the Company as the body or person owning or working such tramways.

Provisions as to motive power.

7. The carriages used on the tramways may be moved subject to the following provisions by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power:

(3) The Company or any other company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Company or such other company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electrical power.

8. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance:

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(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Company and any other party with respect to anything herein-before in this

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section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) When any department of His Majesty's Government represents to the Board of Trade that the use of electrical power under this Act injuriously affects or is likely to injuriously affect any instruments or apparatus whether electrical or not used in any observatory or laboratory belonging to or under the control of that department the Board of Trade after such inspection or inquiry as they may think proper may by their regulations require the Company to use such reasonable and proper precautions including insulated returns as the Board of Trade may deem necessary for the prevention of such injurious affection For the purposes of this subsection any inspector of the Board of Trade may during his inspection of the Company's works and apparatus be accompanied by any person or persons appointed in that behalf by the Government department concerned and the Company shall give all due facilities for the inspection Provided always that in the case of any observatory or laboratory established after the passing of this Act or of any instruments or apparatus hereafter used in any existing observatory or laboratory which may be of greater delicacy than those used therein at the passing of this Act the Board of Trade shall consider to what extent (if any) it is expedient in the interests of the public that the powers of this subsection should be exercised regard being had to the site of the observatory or laboratory or the purposes of the instruments or apparatus as the case may be:

(8) The expression "Company" in this section shall include licencees and any person owning working or running carriages over any tramway of the Company.

Alteration of telegraphic lines of Postmaster-General.

9. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

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For protection of Post Office telegraph lines.

10. In the event of any tramways of the Company being worked by electricity the following provisions shall have effect :—

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the

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Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations:

(5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

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(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid:

(12) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways of the Company.

Power to adapt and alter tramways &c. for working by mechanical power.

11. Subject to the provisions of this Act—

(1) The Company may adapt the tramways for working by mechanical power either in substitution for or in addition to any motive power now or hereafter in use on such tramways:

(2) The Company may accordingly make all such alterations in the tramways as may be necessary to so adapt the same and the Company may for the purpose of working the tramways by mechanical power lay down construct erect and maintain in on under or over the surface of any road or street (including the footways thereof) or bridge such cables electric mains wires posts plates tubes apparatus and appliances and make and maintain such openings under any such surface as may be necessary or convenient either for the working of the tramways or any of them by means of mechanical power or for providing access to or forming connexions with the Company's generating station mains feeders machinery or apparatus and for those purposes the Company may alter remove and interfere with sewers drains waterpipes gaspipes and with telegraphic telephonic and electrical wires posts and apparatus:

Provided that no sewers drains waterpipes gaspipes telegraphic telephonic or electrical wires posts or apparatus shall be altered removed or interfered with until proper substitutes have been provided at the expense of the Company:

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Provided also that the Company shall not without the consent in writing of the London County Council alter remove or interfere with any sewer belonging to that Council.

Apparatus used for mechanical power to be deemed part of tramway.

12. The provisions of sections 26 to 33 41 46 and 47 of the Tramways Act 1870 shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Company for the purposes of mechanical power were parts of the tramway.

Attachment of brackets to buildings.

13. The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by electrical power:

Provided that—

(1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

(3) The owner may require the Company to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

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As to posts standards and brackets.

14.—(1) Subject to the provisions of this Act and of any regulations made under this Act by the Board of Trade the position size and design of all posts standards and brackets and their several attachments erected in the district of any road authority shall be such as the authority and the Company may agree or as in case of difference between them may be determined by the Board of Trade:

Provided that—

(A) Subject to the approval of the Board of Trade under this section and with the consent of the owners and occupiers of the houses or buildings to be utilised the Company may and if the local authority so require and such consent can be obtained for a reasonable consideration shall fix to houses or other buildings instead of erecting such posts or standards for the purpose any brackets or attachments for the support of any overhead wires necessary for working the tramways:

(B) Before the erection of any such posts standards brackets and attachments the Company shall deliver to the road authority a drawing and a description of the same and a plan showing the proposed position thereof and if the road authority do not within twenty-eight days give notice to the Company of any objection such authority shall be taken to have agreed to the size position design and construction of such posts standards brackets and attachments as shown by the said drawing description and plan:

(C) If any post standard bracket or overhead wire becomes owing to the construction of any new road or otherwise in the opinion of any such road authority an obstruction the Company shall alter the position thereof in such manner as the road authority may reasonably require:

(D) If any post or standard is erected upon any road or any footpath at the side thereof which is not lighted from the expiration of the hour after sunset until the beginning of the hour before sunrise the Company shall bear the expense of providing and maintaining thereon between such hours a sufficient light for the purpose of lighting such post but not otherwise for the purpose of illumination:

(E) The Company shall properly maintain and keep in good order and repair to the reasonable satisfaction of any such

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road authority all such posts standards brackets and attachments :

(f) If any difference arises under this subsection between the Company and any local or road authority that difference shall be determined by the Board of Trade.

(2) The local authority shall upon giving not less than fourteen days' notice to the Company of their desire to do so have the right without payment to use any posts standards and brackets erected in the streets within their district for the support of any electric wires or lamps or any gas lamp belonging to the local authority or to any contractor with them for the lighting of street lamps Provided that the said notice shall be accompanied by sufficient plans to be approved by the Company (such approval not being unreasonably withheld) showing the method and position in which it is proposed that such wires or lamps should be supported and that in placing maintaining or altering such wires or lamps no obstruction shall be caused to the working by the Company of the tramways and no unnecessary damage shall be caused to such posts standards or brackets and that if any damage is caused thereto the local authority shall be responsible for and shall make good the same to the Company Provided also that any difference arising under this subsection between the Company and the local authority shall be determined by the Board of Trade.

(3) Before commencing to fix any brackets or attachments to houses or other buildings or to erect any posts standards or brackets and before any wires or lamps of the local authority are supported on any such posts standards or brackets under this section plans showing where any brackets or attachments are to be fixed to houses or other buildings and the position design and construction of the posts standards or brackets and where wires or lamps of the local authority are to be supported on any such posts standards or brackets the method and position in which they are to be so supported shall be sent by the Company to the Board of Trade and the brackets and attachments shall not be fixed to houses or other buildings nor shall the posts standards or brackets be erected nor shall wires or lamps be supported on any such posts standards or brackets except according to plans approved by the Board of Trade.

(4) When any such posts or standards have been erected or fixed in any road or footpath the Company shall not make any alteration in the position of the same except with the consent of the road authority (which consent shall not be unreasonably withheld) and any difference arising under this subsection between the

Company and the road authority shall be determined by the Board of Trade.

(5) Advertisements shall not be displayed upon any such posts standards or brackets.

For protection of Willesden Urban District Council.

15. The following provisions for the protection of the Willesden Urban District Council (in this section called "the council") shall notwithstanding anything contained in this Act unless otherwise agreed upon in writing between the council and the Company be in force and shall apply and have effect (that is to say):—

(1) In the event of the Company failing to obtain statutory powers for and in the event of such powers being obtained failing to complete to the satisfaction of the council the widenings of Harrow Road shown on the plan signed in duplicate by Oliver Claude Robson on behalf of the council and Stephen Sellon on behalf of the Company they shall not open the tramways for or use mechanical power upon the same within the urban district of Willesden without the previous consent in writing under seal of the council:

(2) If any of the tramways of the Company are laid or reconstructed over alongside of or shall interfere with any manhole surface or foulwater sewer or pipe which in the opinion of the engineer of the council it would be dangerous or inconvenient to retain in its position under between or alongside of the tramways the Company shall at their own expense take up such manhole surface or foulwater sewer or pipe and relay or reconstruct the same with all necessary works and connexions to the satisfaction of the engineer of the council in such part of the road or footpath as may be reasonably required by the engineer of the council:

(3) If it shall be necessary for the council to alter the position of any of their electric mains wires pipes boxes lamps or apparatus by reason or in consequence of the reconstruction of the tramways the council may make such alteration at the expense of the Company:

(4) Subject to the requirements of the section of this Act of which the marginal note is "As to posts standards and brackets" the council shall be at liberty to use for the purpose of public lighting all or any of the posts standards and brackets which may be erected in the Willesden Urban District in connexion with the tramways and all such posts

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standards and brackets shall be so constructed that they can be utilised free of charge for the purpose of public lighting whenever the council desire to do so and the council may carry their wires from the ground up the said posts standards or brackets either inside or outside the same Provided that any such user by the council as aforesaid shall be subsidiary and subject to the primary rights of user by the Company and shall not prejudicially interfere therewith or with the working of the tramway in connexion with which the posts standards or brackets may be erected in as full and effectual manner as if the council had not any such right of user as aforesaid:

(5) If any difference arises under this section between the Company and the council that difference shall be referred to and determined by an arbitrator to be agreed upon between the Company and the council or failing agreement to be appointed by the Board of Trade on the application of either party.

Service of cars.

16. The Company shall at all times provide such service of cars upon the tramways as may be reasonably required in the public interests and the Company shall be liable to a penalty not exceeding five pounds for every day on which they shall fail to comply with the provisions of this section Any difference which may arise as to the service of cars required in the public interests may be determined on the application of the Company or of the local authority or other body or person by the Board of Trade whose decision shall be final.

As to removal of snow &c.

17. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways they shall at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and the Company shall not use salt or other unsuitable material for thawing the snow on any such road Provided that any dirt or other matter removed by them from the grooves of the rails of the tramways shall not be allowed to remain on such road but shall be at once taken away by the Company.

Saving for power to regulate traffic on roads.

18. Nothing in this Act shall limit the powers of the local authority or of the road authority or police in any district to regulate the passage of any traffic along or across any road along or across which the tramways are laid down and such authority or police may exercise their authority as well on as off the tramways.

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Local authorities and road authorities may use tramways for certain purposes.

19. Subject to the provisions of this Act and of any regulations made thereunder by the Board of Trade and of any byelaws for the time being in force with respect to the tramways any local authority or any road authority may at such times and in such manner as they think fit between the hours of twelve at night and five in the morning but so as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways and after giving due notice to the Company of their intention so to do use any portion of the tramways within their district by carriages moved by horses or otherwise for the removal of night soil and house refuse and for the conveyance of scavenging stuff road metal and other materials required by the works of such authority free of all tolls and charges in respect of such use Subject as aforesaid any local authority or any such road authority may enter into agreements with the Company for the purposes of this section and such authority shall have power to form connexions between the tramways and any yards or works belonging to such authority Provided that in the construction of any such connexion no damage shall be done to the tramways and they shall have first submitted to the Company plans showing such connexions or works and the mode of constructing the same and if any difference arises as to such plans or the mode of constructing such works that difference shall be referred to and determined by an arbitrator to be appointed by the Board of Trade on the application of the local or road authority or the Company Provided that such authority shall not save by agreement with the Company be entitled to use or employ for such purposes any carriages trucks horses electric current or other motive power or officers and servants of the Company Provided also that such authority shall indemnify the Company against any damage done to the permanent way by such use.

As to fares on Sundays and holidays.

20. It shall not be lawful for the Company or any company or person working or using the tramways or any portion thereof to take or demand on Sunday or any bank or other public holiday any higher rates or charges for passengers than those levied by them on ordinary week days.

Cheap fares for labouring classes.

21.—(A) The Company at all times after the opening of the tramways or any portion thereof for working by mechanical power shall run a proper and sufficient service of carriages for artizans mechanics and daily labourers each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday excepted) at such hours not being later than eight in

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the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance but the Company shall not be required to take any fare less than one penny On Saturdays the Company in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(B) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(C) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

For protection of Paddington Borough Council.

22. For the protection of the Paddington Borough Council (herein-after referred to as "the council") the following provisions unless otherwise agreed between the council and the Company shall have effect:—

(1) The Company shall within three years from the passing of this Act lay down and construct double lines in lieu of single lines within the borough of Paddington and shall in constructing such double lines remove all granite blocks now in use upon the tramways of the Company within the said borough and replace the same with proper wood paving to the satisfaction of the council and the council shall give to the Company all reasonable assistance and support to enable them to carry out the provisions of this subsection:

(2) If the doubling of the existing lines within the borough of Paddington shall not be completed within four years from the date of the passing of this Act the Company shall pay to the council the sum of ten pounds for every day on which the work shall remain uncompleted:

(3) The council may without making any compensation in respect thereof at all times affix and fasten to any standards or other erections put up erected or constructed by the Company for the purpose of working the tramways in the said borough any pipes lamps or other things which may be considered by the council or their surveyor (in this section

called "the surveyor") to be necessary or expedient for the lighting of any part of the said borough including electric lighting or for any other purpose of any nature whatsoever which the council may reasonably consider to be for the benefit of the inhabitants of the borough or any of them Provided always that nothing shall be affixed or fastened to the said standards or other erections which shall or may injuriously affect or interfere with the efficient electrical working of the tramways:

(4) In widening and reconstructing the tramways within the said borough the Company shall comply with the following provisions (namely):—

(A) The rails shall subject to the provisions of this Act be laid along the roads in such lines and positions as shall be defined on a plan to be prepared by the Company's engineer and reasonably settled and approved of by the council and such approval shall be authenticated by the signature of their clerk to such plan and no rails shall be laid in any other positions than those shown upon such plan without the consent of the council in writing under the hand of their clerk previously obtained;

(B) The Company at the time of giving notice to the council of their intention to open or break up the roads for the purpose of widening or reconstructing any of the tramways in the said borough as required by the Tramways Act 1870 shall so submit to the council a plan and section showing the proposed mode of constructing laying down and maintaining the same and a statement of the materials intended to be used therein and the Company shall not commence such works or any of them until such plan section and statement shall have been approved by the council but such approval shall not be unreasonably withheld and after such approval the works shall be executed in accordance with such plan section and statement as so approved;

(C) All notices whether under the Tramways Act 1870 or this Act shall be given and all plans shall be deposited twenty-one days at least before the commencement of the works specified or shown therein and all plans shall be deposited in duplicate;

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(D) The Company shall be at liberty to use under the direction and to the reasonable satisfaction of the surveyor such quantity of metalling or material excavated in the construction of the works as shall be required for the purpose of forming the concrete substructure of the tramway All surplus metalling or material so excavated shall remain the property of the council and the Company shall at their own expense remove and cart away such surplus to such places as the council or the surveyor may before or during the progress of the works require Provided always that the distance from the line of the proposed tramway to such place or places of deposit shall not exceed one mile and if the Company fail to remove and cart away such surplus when and as often as required by the council the council may themselves cart away remove and deposit such surplus and the Company shall on demand repay to the council such sum as the surveyor may reasonably certify as the cost of such carrying away removal and deposit ;

(E) The reconstruction and widening of the said tramways shall be completed within twelve months from the commencement thereof or such extended time as the council may by writing under the hand of their clerk authorise and the Company shall indemnify the council against any loss they may sustain by reason of the non-payment of the county contribution towards the maintenance of any roads which are main roads during the financial year or any part thereof in which the tramways and works shall be in course of construction :

(5) If any dispute or difference shall arise between the council and the Company as to any requirement of the council or the surveyor or as to the rights duties or liabilities of either the council or the Company under this section or as to any act matter or thing regulated by or referred to in this section the same shall be from time to time referred to and determined by an arbitrator to be agreed upon between the Company and the council or failing such agreement to be appointed on the application of either party by the Board of Trade under and subject to the provisions of the Arbitration Act 1889.

For protection of London and

23. In making all such alterations in the tramways as may be necessary to adapt the same for working by mechanical power

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North Western Railway Company.

and in laying down constructing erecting and maintaining in on or under the surface of any road or street (including the footways thereof) or bridge such cables electric mains wires posts plates tubes apparatus and appliances and in making and maintaining such openings under any such surface as may be necessary or convenient either for working the tramways or any of them by mechanical power or for providing access to or forming connexions with the Company's generating station mains feeders machinery or apparatus where the same crosses any bridge carrying any road over any railway of the London and North Western Railway Company (herein-after referred to as "the North Western Company") the following provisions shall be in force and have effect:—

(1) The Company shall not without the consent in writing of the North Western Company in any way alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so lay down construct and maintain the works necessary for adapting and make such alterations of the said tramways and execute such other works as may be necessary or expedient for working the same by mechanical power over such bridge and the approaches thereto as not injuriously to affect the same:

(2) In the event of any injury being caused to any such bridge or approaches by the laying down constructing or maintenance of the works necessary for adapting or making such alterations of the said tramways or executing such other works as may be necessary or expedient for working the same by mechanical power the North Western Company may at the expense of the Company restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the North Western Company against all sums costs and expenses which they may incur for or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Company are liable to maintain and repair under section 28 of the Tramways Act 1870 and the North Western Company may recover from the Company all such sums costs and expenses:

(3) In case any strengthening alteration or repair of any such bridge or approaches shall become necessary in consequence of the carriages or vehicles on such tramways

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being moved by mechanical power the North Western Company may after giving to the Company fourteen clear days' notice thereof execute such works as may be reasonably necessary for carrying out such strengthening alteration or repair at the expense of the Company Provided that the North Western Company shall complete such works with all possible expedition and with as little detriment or inconvenience to the Company or to the traffic on such tramways as circumstances admit:

(4) All works which may be necessary in laying down constructing or maintaining the works necessary for adapting or in making such alterations of the said tramways or executing such other works as may be necessary or expedient for working the same by mechanical power over any bridge or works of the North Western Company shall be carried out and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the North Western Company:

(5) If any difference shall arise under this section between the Company and the North Western Company with respect to the necessity of or the mode of execution of any such works as aforesaid the matter in difference shall be settled by an engineer or other fit person to be nominated as referee by the Board of Trade on the application of either party.

Byelaws.

24. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages:

For regulating the emission of smoke or steam from engines used on the tramways:

For regulating the lights which the Company shall fix and maintain on or in the trains or carriages used on the tramways:

For requiring the provision of brakes and other fittings including fenders and cowcatchers on the engines used on the tramways:

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such

places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Power to acquire patent rights.

25. The Company may acquire and hold patent and other rights and licences (not being exclusive) in relation to the use of mechanical power for the purposes of this Act.

Agreements for lease to Metropolitan Electric Tramways Limited.

26. The Company may lease their undertaking or any part thereof to the Metropolitan Electric Tramways Limited for such period or periods and on such terms and conditions as may have been or may be agreed upon and such last-mentioned company may exercise during the continuance of any such lease all or any of the powers of the Company including the powers conferred upon them by this Act as if that company had been referred to in the Acts conferring such powers instead of the Company.

Agreements as to supply of electrical power to Company.

27. The Company on the one hand and the Willesden Urban District Council or the North Metropolitan Electric Power Supply Company if they obtain power to purchase and shall purchase the generating station of the Willesden Urban District Council in Taylor's Lane Willesden on the other hand may enter into and carry into effect agreements for or with respect to the supply of electrical power to the Company Provided that the Company shall not use or supply electrical power for any purpose other than their own tramways.

Working and traffic agreements.

28. The Company on the one hand and any authority company or person owning working or using any tramways tramroads or light railways which can be worked with any of the tramways of the Company on the other hand may enter into and

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carry into effect contracts and agreements with respect to the following purposes or any of them (that is to say):—

The working use management and maintenance by the contracting parties of all or any of their respective tramways or light railways and works or any part or parts thereof respectively and in connexion therewith the making of all necessary junctions:

The supply under and during the continuance of any agreement as aforesaid for the working of the tramways or light railways of either of the contracting parties by the other of them of rolling-stock plant and machinery necessary for the purposes of such agreement and the supply for the purposes of any such agreement of electrical energy or power:

The appointment and removal of officers and servants:

The payments to be made and the conditions to be performed in respect of such working use management and maintenance:

The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties and the division and apportionment of the revenue arising from such traffic and the payment of any fixed or contingent rent.

As to leases or agreements relating to portion of tramways in London.

29. In the event of any part of the tramways which is situate in the county of London being purchased by the London County Council under the Tramways Act 1870 any lease contract or agreement made or entered into under the provisions of the sections of this Act of which the marginal notes are "Agreements for "lease to Metropolitan Electric Tramways Limited" "Agreements "as to supply of electrical power to Company" and "Working "and traffic agreements" so far as it relates to the part of the tramways so purchased shall upon the completion of the purchase cease to operate or have effect Notice of the effect of this enactment shall be endorsed upon or stated in every such lease contract or agreement.

Agreements with street authorities.

30. The Company on the one hand and any authority having the control or management of the streets or roads along which any tramway is or is intended to be reconstructed altered or adapted on the other hand may enter into and carry into effect contracts or agreements with respect to the alteration of the width or levels of any such streets or roads the laying down maintaining renewing

and repairing of the tramways or any of them and the rails plates sleepers posts standards wires tubes electric appliances and works connected therewith and for facilitating the passage of carriages and traffic over and along the same.

Agreements as to purchase of tramways by local authorities.

31. The Company on the one hand and the local authority of any district outside the county of London in which the tramways or any part thereof are or is situate or any of them on the other hand may enter into and carry into effect agreements for or with respect to the postponement of the date at which the right of such local authority as the case may be to purchase such tramway or tramways or portion of tramway or tramways shall be exercised for such periods not exceeding a period of forty-two years from the date of the agreement and on such terms and conditions as may have been or may be agreed between the Company and such local authority as the case may be and where any such agreement as aforesaid has been or may be entered into with any such local authority the powers of purchase of the tramways comprised in such agreement shall be exercised only in accordance with the provisions thereof.

Company may take a lease of tramways from local authorities.

32. The local authority of any district in which any of the tramways or any part thereof are or is situate may grant and the Company may accept a lease or leases of any tramway owned by such local authority and all works and conveniences connected therewith on such terms and conditions and for such period not exceeding a period of forty-two years from the date of the agreement as may be agreed between the Company and such authority and during the continuance and subject to the terms and conditions of any such lease the Company may work maintain and use the tramways thereby leased and demand take and recover in respect thereof tolls fares and charges not exceeding the tolls fares and charges authorised to be taken thereon by any Act or Provisional Order relating to or regulating the same.

Power to raise additional capital.

33. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue of new shares any additional capital not exceeding in the whole sixty thousand pounds and such new shares may be wholly or partially ordinary shares or wholly or partially preference shares as the Company think fit but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less

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than one-fifth of the amount of such share shall have been paid in respect thereof.

Calls.

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

Restriction as to votes in respect of preferential shares.

35. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares created by the Company under this Act to which a preferential dividend shall be assigned.

Receipts on behalf of incapacitated persons.

36. If any money is payable to a shareholder or mortgagee 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 borrow.

37. The Company may in respect of the additional capital of sixty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole twenty thousand pounds but no part thereof shall be borrowed until the whole of the said additional 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 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 to whom the same was issued or their executors administrators successors or assigns and that such persons or 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 certificate shall be sufficient evidence thereof.

For appointment of a receiver.

38. Every provision in any Act passed before the passing of this Act whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the

appointment of a receiver is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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 ten thousand pounds in the whole.

Moneys borrowed on mortgage to have priority.

39. All moneys after the passing of this Act to be borrowed on mortgage under any former Act relating to the Company or under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them after the passing of this Act.

Existing mortgages to have priority.

40. All mortgages granted by the Company under the authority of any Act or Acts passed before the passing of this Act which shall be subsisting at the passing of this Act shall during the continuance thereof have priority over all mortgages granted under the authority of this Act.

Company not to create debenture stock.

41. The Company shall not create debenture stock.

Mortgage to comprise purchase-money paid on compulsory sale.

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

Endorsement of notice of power of future purchase by local authority.

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

Application of moneys.

44. All moneys raised under this Act whether by shares or borrowing shall be applied only for the purposes of this Act and for the general purposes of the Company's undertaking being in every case purposes to which capital is properly applicable.

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Interest not to be paid on calls paid up.

45. 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.

46. 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.

Byelaws by local authority.

47. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Orders &c. of Board of Trade.

48. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Recovery of penalties.

49. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Copy of Act to be registered.

50. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

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Provision as to general Tramway Acts.

51. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised to be taken by the Company.

Costs of Act.

52. 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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