CHAPTER clxx.

An Act to authorise the construction of tramways in the counties of Middlesex and Essex and for other purposes. A.D. 1881.

[11th August 1881.]

WHEREAS the laying down of tramways to be worked by animal power only in certain streets and roads in the parishes of St. John Hackney Leyton and Walthamstow and other places in the counties of Middlesex and Essex 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 and books of reference to those plans have been deposited with the respective clerks of the peace for the counties of Middlesex and Essex and are herein-after respectively referred to as the deposited plans sections and books of reference:

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):

Short title.

1. This Act may be cited for all purposes as "the Lea Bridge Leyton and Walthamstow Tramways Act 1881."

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.

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 of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon land by the promoters

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of the undertaking) section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and 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.

33 & 34 Vict. c. 78.

Interpretation clause.

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 and the undertakings by this Act authorised;

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;

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall 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.

Incorporation of Company.

4. George Denton Cardew Benjamin Cooke John William Morris and Jesse Jackson 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 other works herein-after described and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Lea Bridge Leyton and Walthamstow 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. A.D. 1881.

Power to make tramways according to deposited plans.

5. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways and execute the other works 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 and other works herein-before referred to and authorised by this Act are:—

Tramway No. 1 (single line) 3 miles 3 furlongs 8 chains and 10 links commencing at a point in the Clapton Road opposite and in a line with the south wing wall of No. 5 Lea Bridge Corner 6 feet or thereabouts from the centre of the east rails of the North Metropolitan Tramway (Lea Bridge Branch) and terminating at a point in the road leading from Whipps-Cross to Woodford opposite and in a line with the west flank wall of the Rising Sun public-house.

Tramway No. 1A (single line) 1 chain 60 links commencing at a point in the Clapton Road opposite and in a line with the south wing wall of No. 5 Lea Bridge Corner and terminating in the centre of the road at a point being the west edge of a foot crossing at the commencement of the Lea Bridge Road.

Tramway No. 1B (single line) 2 chains commencing at a point in the centre of the road opposite the third telegraph post east of milestone the said point being taken at right angles to line of road and terminating at a point in the centre of the road 2 chains east of the commencement of the said Tramway No. 1B.

Tramway No. 1C (single line) 2 chains commencing at a point in the centre of the road opposite and in a line with the west flank wall of the main building of the New River Waterworks and terminating at a point 2 chains in an easterly direction of the said commencement in the centre of Lea Bridge Road.

Tramway No. 1D (single line) 2 chains commencing at a point in the centre of the road 2 chains west of a point opposite and in a line with the west flank wall of Meadow Cottage and terminating at a point in the centre of the road opposite and in a line with the west flank wall of Meadow Cottage.

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Tramway No. 1E (single line) 1 chain 90 links commencing at a point in the centre of the road opposite and in a line with the west flank wall of Rebecca Villa and terminating at a point in the centre of the road opposite and in a line with the east flank wall of Belinda Villa.

Tramway No. 1F (single line) 1 chain 85 links commencing at a point in the centre of road opposite and in a line with the west flank wall of Westborne Villa and terminating at a point in the centre of road in a line with the west flank wall of Carlton Villa.

Tramway No. 1G (single line) 2 chains commencing at a point in the centre of the road 2 chains west of the westerly corner of Copeland Road and terminating at a point in the centre of the road in a line with the westerly side of the said Copeland Road.

Tramway No. 1H (single line) 2 chains commencing at a point opposite and in a line with a wall adjoining the Leyton parish boundary post situated about 9·50 chains from the easterly end of the Chestnut Tree public house and terminating at a point in the centre of the road 2 chains in an easterly direction from the above point.

Tramway No. 1J (single line) 1 furlong 1 chain and 52 links commencing at a point 3 chains 40 links west of the sixth milestone from London and running along the Epping Road in an easterly direction round the waste ground and terminating by a junction with Tramway No. 1 at a point in the centre of the junction of the roads 42 feet west from sign post directing to the Rising Sun and Woodford.

Tramway No. 1K (single line) 2 chains commencing at a point in the centre of the road 2 chains west of the westerly flank wall of the Rising Sun and terminating opposite and in a line with the west flank wall of the aforesaid public-house.

All the tramways hereby authorised shall consist of a single line of tramway and will be situate in or pass through or into the parishes townships or places following or some or one of them that is to say Saint John Hackney in the county of Middlesex and Leyton and Walthamstow both in the county of Essex.

Capital.

6. The capital of the Company shall be sixty-five thousand pounds in six thousand five hundred shares of ten pounds each.

Shares not to be issued until one-fifth paid.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being

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

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any half year upon any share.

Receipt clause in case of persons not sui juris.

9. If any money be payable to a shareholder being a minor idot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

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

Appointment of a receiver.

11. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Mortgages to comprise purchase money paid on compulsory sale.

12. 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

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or any moneys carried to a contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by the Local Authority.

13. 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.

Priority of mortgages over other debts.

14. All moneys raised on mortgage by the Company under this Act and the interest due thereon shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not effect any claim against the Company in respect of any rent charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860.

Company not to create debenture stock.

15. The Company shall not create debenture stock.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

18. The number of directors shall be three.

Qualification of directors.

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

Quorum.

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

First directors.

21. George Denton Cardew and Benjamin Cooke and one other duly qualified person to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or

Election of directors.

may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at

any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. A.D. 1881.

Purchase of lands by agreement.

22. The Company may from time to time purchase and acquire by agreement such lands as they may require for their undertaking not exceeding in the whole three acres.

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

23. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the 9th year of the reign of her present Majesty chapter 20 a sum of one thousand six hundred and sixty-four pounds equal to five per centum upon the amount of the estimate in respect of the tramways has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as the deposit fund): Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways 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 if signed by the secretary or an assistant secretary of that Board 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 fund.

24. 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

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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 road 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 shall have become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

25. 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.

Further provision as to construction of tramways.

26. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down

maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act Provided always that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act 1870 or this Act.

Rails of tramways.

27. The rails of the tramways shall be such as the Board of Trade may approve.

Mode of formation of tramways.

28. Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed with the best materials and 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.

Company may be required to use improved form of rail.

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

Inspection by Board of Trade.

30. The tramways shall not be open for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

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

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

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Penalty for not maintaining rails and road in good condition.

32. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways 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 for every such non-compliance be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty may be recovered by the road authority of the district in which such non-compliance occurs only in manner provided by section 56 of the said Act.

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

18 & 19 Vict. c. 120.

33. As regards all tramways of the Company within the Metropolis as defined by the Metropolis Management Act 1855 the Company shall in addition to any other provisions of this Act maintain and keep the same in good condition and repair to the satisfaction of the Hackney District Board of Works the road authority of the district within which they are situate and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and such penalty may be recovered in manner provided by the said section 56 but by the said road authority only.

Appeal to the Board of Trade.

34. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in the preceding sections contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by the preceding sections imposed.

Sewer authority to have access to sewers.

35. 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. A.D. 1881.

Traffic to be suspended during works of drainage.

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

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

37. The Company may subject to the provisions of this Act with the consent of the local authority and road authority from time to time make maintain alter and remove such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet 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.

Application of road materials excavated in construction of works.

38. Any paving metalling or material excavated by the Company in the construction of the tramways 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

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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.

Temporary tramways.

39. 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.

Saving rights of Leyton local board to stop up, &c. streets.

40. Nothing in this Act contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges conferred upon the Leyton local board by any other Act or Acts as to stopping for public traffic any road or street under the jurisdiction of that board for the purpose of constructing repairing and maintaining the sewers along or under any such road or street.

Repair of part of road where tramway is laid in parish of Leyton

41. The Company shall at their own expense at all times construct maintain and keep in good condition and repair with such materials and in such manner as the Leyton local board or the road authority shall direct and to their satisfaction so much of any road whereon any tramway crossing passing-place junction or other work belonging to them is laid as lies between the rails of the tramway and

crossing passing-place siding junction or other work and so much of the road as extends four feet beyond the rails of and on each side of any such tramway crossing passing-place junction or other work If the Company fail to comply in any respect with the provisions of this section they shall for every such offence be liable to the penalties provided by the 26th section of the Tramways Act 1870 and such penalties shall belong to and be paid over to the road authority.

Saving rights of Walthamstow local board to stop up &c. streets.

42. Nothing in this Act contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges conferred upon the Walthamstow local board by any other Act or Acts as to stopping for public traffic any road or street under the jurisdiction of that board for the purpose of constructing repairing and maintaining the sewers along or under any such road or street.

Repair of part of road where tramway is laid in parish of Walthamstow.

43. The Company shall at their own expense at all times construct maintain and keep in good condition and repair with such materials and in such manner as the Walthamstow local board or the road authority shall direct and to their satisfaction so much of any road whereon any tramway crossing passing-place junction or other work belonging to them is laid as lies between the rails of the tramway and crossing passing-place siding junction or other work and so much of the road as extends four feet beyond the rails of and on each side of any such tramway crossing passing-place junction or other work If the Company fail to comply in any respect with the provisions of this section they shall for every such offence be liable to the penalties provided by the 26th section of the Tramways Act 1870 and such penalties shall belong to and be paid over to the road authority.

Protection of Middlesex bridges.

44. The Company shall execute the works by this Act authorised so far as the same affect any bridge which the inhabitants of the county of Middlesex are by law bound to maintain or to repair or any bridge traversed by any highway subject to the following conditions :—

a. The Company shall not commence or execute any work or works upon under or affecting any such bridge as aforesaid or the approaches thereto unless and until they shall have first delivered to the surveyor appointed by the justices of the peace for the county of Middlesex and for the time being having charge of the bridges which the inhabitants of the said county are bound to maintain or repair plans drawings and specifications of the works intended to be executed upon

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under or affecting the said bridge or the approaches thereto nor until the same plans drawings and specifications shall have been examined and approved of by the said surveyor by writing under his hand Provided always that if the said surveyor shall fail to approve of the works for one calendar month after the plans drawings and specifications thereof have been delivered to him then that the Company shall not execute nor commence any such works as aforesaid unless and until plans drawings and specifications thereof shall have been examined and approved of by an engineer to be appointed by the Board of Trade on the application of the said justices or the said surveyor.

b. The Company shall execute all such works as aforesaid at their sole expense and shall at the like expense subsequently maintain the same and all such bridges aforesaid and the roadways over the same respectively and all approaches to the same and all necessary works connected therewith in good substantial and water-tight condition and repair to the reasonable satisfaction of the said surveyor and the Company shall within fourteen days after demand pay to the said justices all costs and expenses incurred by them by reason or in consequence of the execution or of the failure of any of the works of the Company under this Act or of the non-performance by the Company of any of their obligations under this section Provided always that nothing in this Act contained shall be held to create or imply any obligation upon the said justices to maintain or to keep any such bridge or the approaches thereto in repair nor to render the said justices or the inhabitants of the said county in any way responsible or liable to the Company for or in respect of any damage or injury which may result to their works or any of them by reason of any want of repair to any such bridge or the approaches thereto or by reason of the failure or neglect on the part of the said justices or of the inhabitants of the said county to maintain any such bridge or the approaches thereto or any or either of them.

Protection of works of Havering Dagenham &c. commissioners of sewers.

45. Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any river sewer drain watercourse river wall defence or work under the jurisdiction or control of the commissioners of sewers for the levels of Havering Dagenham Ripple Barking Eastham Westham Leyton and Walthamstow in the respective counties of Essex Middlesex and Kent herein-after called

"the commissioners" or may in any way affect the drainage of the districts under their control the Company shall not commence such works until they shall have given to the said commissioners fourteen days' notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the said commissioners with plans elevations sections and other necessary particulars of the construction of the said works and until the said commissioners shall have signified their approval of the same unless the said commissioners fail to signify such approval or their disapproval or other directions within fourteen days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the said commissioners in the execution and subsequent maintenance of the said works and shall provide by new altered or substituted works in such manner as the commissioners may deem necessary for the proper protection of and for preventing injury or impediment to the rivers sewers drains river walls and other works herein-before referred to by or by reason of the said intended works or any part thereof and shall save harmless the said commissioners against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the surveyor engineer or other officer or officers of the said commissioners as the case may be at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said commissioners may be put to by reason of the works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise by the commissioners officers shall be paid to the commissioners by the Company on demand and when any new altered or substituted work as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall ever thereafter be maintained by the Company to the reasonable satisfaction of the surveyor or engineer to the commissioners for the time being and the said works shall be as fully and completely under the direction jurisdiction and control of the said commissioners as any sewers or works now are or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said commissioners or any or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed Provided that if any dispute shall arise as

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to the mode of executing any such works as aforesaid such matter or difference shall be referred to an arbitrator to be appointed by the Board of Trade whose decision shall be final.

Protection of the Hackney district board of works.

46. For the protection of the board of works for the Hackney district (herein-after in this section called the board of works) the following provisions shall have effect and shall be observed and performed by the Company :—

(*a.*) Notwithstanding anything in this Act contained it shall not be lawful for the Company to open for traffic any portion of the tramway No. 1 in the Lea Bridge Road so far as the same is situate in the parish of St. John at Hackney until they shall have acquired the property necessary for the purpose of widening that road between the points marked A and B on the deposited plans to a width of at least including footpaths forty feet and shall have conveyed the same property with vacant possession and without any payment by the board of works for the same to the board of works for the purpose of the widening.

(*b.*) The Company shall pave with granite pitching to a depth of not less than six inches the whole width of the roads in the said parish of St. John at Hackney in which the tramways are made and laid down and the Company shall from time to time and at all times thereafter repair and maintain so much of the granite pitching which they are by this section required to lay down as shall be situate between the rails of the tramways and a distance of four feet on each side thereof.

(*c.*) If the Company lay any part of the said tramways on or use any of the existing granite pitching they shall pay to the board of works such a sum as the board of works shall deem to be the value of the same a reasonable deduction being made for wear and tear.

(*d.*) All materials removed by the Company in constructing the said tramways in the said parish of St. John at Hackney and not required for the formation and maintenance of such tramways for six months after completion shall be and remain the property of the board of works and shall be removed by them within seven days after they shall have received notice in writing from the Company to that effect.

(*e.*) All works to be made and executed by the Company under the provisions of this section shall be made and done in all things at the sole cost of the Company and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the board of works and

according to plans sections and specifications to be previously submitted to and approved of by them before any of the works are begun.

(*f.*) If any question or difference shall at any time arise between the Company and the board of works touching any of the matters provided for by this section the question in difference shall on the application of the Company or the board of works be referred to and determined by an arbitrator to be appointed by the Board of Trade but in all respects at the cost of the Company.

Tolls for passengers.

47. 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 twopence.

Passengers' luggage.

48. 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.

49. 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.

Company not bound to carry passengers luggage or goods.

50. The Company shall not be bound to carry passengers luggage exceeding the weight in this Act in that behalf mentioned nor any parcel exceeding fifty-six pounds in weight and shall not carry goods or animals.

Cheap fares for labouring classes.

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

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Periodical revision of tolls.

52. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Payment of tolls.

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

Form and delivery of notices.

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:

(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 road authority shall be sufficiently authenticated by being signed by their clerk or secretary.

(2) Any notice may 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.

Interest not to be paid on calls paid up.

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.

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 provisions of present and future general 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.

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