CHAPTER clxiii.

An Act to authorise the London Street Tramways Company to construct additional Tramways and for other purposes [24th July 1882.]

A.D. 1882.

WHEREAS by the London Street Tramways Act 1870 (in this Act called "the Act of 1870") the London Street Tramways Company (in this Act called "the Company") were incorporated with a share capital of one hundred thousand pounds and power to borrow on mortgage twenty-five thousand pounds and were authorised to construct various street tramways and those tramways have been constructed and opened for traffic accordingly: 33 & 34 Vict. c. clxxi.

And whereas the following Act and Provisional Orders (confirmed by Parliament) have subsequently passed and been made in relation to the Company that is to say:—

The London Street Tramways (Further Powers) Act 1873 vesting in the Company certain tramways authorised by the North Metropolitan Tramways Act 1870 and authorising the Company to raise further moneys by shares and by borrowing: 36 & 37 Vict. c. ccxxi.

33 & 34 Vict. c. clxxii.

The London Street Tramways (St. Pancras Lines) Order 1873:

The London Street Tramways (Junction Road Extensions) Order 1874:

The London Street Tramways (Caledonian Road Extension) Act 1877 authorising the Company to construct additional tramways for connecting their tramway in Pentonville Road with the North Metropolitan tramways in Holloway Road and to raise further moneys by shares and by borrowing: and 40 & 41 Vict. c. ccxix.

The London Street Tramways (Extension) Act 1879 authorising the Company to construct additional tramways and to raise further moneys by shares and by borrowing. 42 & 43 Vict. c. clxxxix.

And whereas the additional tramways in this Act described would be of public and local advantage and it is expedient that the Company should be authorised to construct the same and to raise further capital for that purpose.

A.D. 1882.

And whereas plans and sections showing the situation lines and levels of the tramways authorised by this Act with a book of reference to the plans have been duly deposited with the clerk of the peace for the county of Middlesex and are herein-after referred to as the deposited plans sections and book of reference:

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

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

Short title.

1. This Act may be cited as the London Street Tramways (Extensions) Act 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 16.

2. The provisions of the Companies Clauses Consolidation Act 1845:

With respect to the distribution of the capital of the Company into shares:

With respect to the transfer or transmission of shares:

With respect to the payment of subscriptions and the means of enforcing the payment of calls:

With respect to the forfeiture of shares for nonpayment of calls:

With respect to the remedies of creditors of the Company against the shareholders:

With respect to the borrowing of money by the Company on mortgage or bond:

With respect to the conversion of the borrowed money into capital:

With respect to the consolidation of the shares into stock:

With respect to the making of dividends:

With respect to the giving of notices: and

With respect to the provision to be made for affording access to the special Act by all parties interested:

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

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.

(general provisions) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act.

A.D. 1882.

33 & 34 Vict. c. 78.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "superior court" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the same is used were a simple contract debt and not a debt or demand created by statute. 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 the Tramways Act 1870 section 43 at a sum less than the aggregate amount of the capital and debts of the Company.

Power to make tramways.

4. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may make form lay down work use and maintain in the county of Middlesex the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are:

A tramway on the deposited plans referred to as Tramway No. 4 commencing in Pentonville Road by a junction with the northernmost line of the London Street Tramways Company's existing tramways there passing thence eastward along Pentonville Road and terminating in that road at a point about twelve yards south-east of the south-east corner of the Angel Inn:

A tramway on the deposited plans referred to as Tramway No. 4A commencing in Pentonville Road by a junction with the southernmost line of the London Street Tramways Company's existing tramways there at the termination of that line passing thence eastward along Pentonville Road and terminating in that road by a junction with Tramway No. 4 by this Act authorised at a point about seven yards west of the termination of the said Tramway No. 4 as above described:

Tramways Nos. 4 and 4A will together form a double line of tramway five furlongs and three and a half chains or thereabouts in length.

A.D. 1882.

Power to apply existing funds.

5. The Company may from time to time apply towards any of the purposes of this Act any moneys which they have raised or may hereafter raise under any other Act or Acts and which may not be required for the purposes to which by the respective Act such moneys are made applicable.

Power to raise additional capital.

6. The Company may from time to time raise by the creation and issue of new ordinary shares or new ordinary stock or (at the option of the Company) by either of those modes any further capital not exceeding in the whole fifty-five thousand five hundred pounds.

Sections 49 to 59 of Act of 1870 applied to new share capital.

7. The provisions of the sections of the Act of 1870 numbered from 49 to 59 (both numbers inclusive) shall apply to the shares in the additional capital by this Act authorised to be raised.

Power to borrow.

8. In addition to any sum which by any other Act or Acts they are authorised to borrow the Company may from time to time borrow on mortgage any further sum or sums not exceeding in the whole eighteen thousand five hundred pounds but no part of that sum shall be borrowed until the whole additional capital by this Act authorised 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 additional 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 or the whole of the stock in such additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such additional capital was issued bonâ fide and is held by the persons or corporation to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations 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 shall be sufficient evidence thereof.

Company not to create debenture stock.

9. The Company shall not create debenture stock under this Act.

Mortgage to comprise purchase money paid on compulsory sale.

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

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

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

Existing mortgages to have priority.

12. All mortgages granted by the Company before the passing of this Act in pursuance of the powers of any Act or Acts and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act.

Repealing provisions for appointment of a receiver.

13. The provisions of the London Street Tramways (Extensions) Act 1879 for the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or proceedings pending.

For appointment of a receiver.

14. 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 ten thousand pounds in the whole.

Money borrowed on mortgage to have priority.

15. All moneys borrowed or to be borrowed on mortgage under this Act or any other Act empowering the Company to borrow money on mortgage 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 but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Application of moneys.

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

Time for completion of tramways.

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

A.D. 1882.

Penalty imposed unless the line opened within the time limited.

18. If the Company fail within the period limited by this Act to complete the tramways authorised to be made by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said tramways are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in the 3rd section of the Act 17 and 18 Vict. c. 31 known as the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said 3rd section of the Act 17 and 18 Vict. c. 31 to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice in the bank named in such order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalties.

19. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said tramways or any portion thereof and for which injury or loss no compensation or inadequate compensation shall have been paid and in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of

penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty 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 of the High Court of Justice 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 Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Applying provisions of Act of 1870 as to tolls, &c.

20. The tramways by this Act authorised shall for the purposes of tolls and charges and for all other purposes be deemed to be part of the tramways authorised by the Act of 1870 and the several provisions of that Act except so far as they may be inconsistent with any of the provisions of this Act or any Act or part of an Act incorporated herewith are incorporated with and form part of this Act.

Company not to carry animals and goods on tramways hereby authorised.

21. The Company shall not carry on the tramways by this Act authorised any goods animals or other things other than passengers luggage not exceeding the weight in that behalf mentioned in the Act of 1870 and small parcels.

Periodical revision of tolls.

22. 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 such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all

A.D. 1882.

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.

Inspection by Board of Trade.

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

Tramways to be kept on level of surface of road.

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

Penalty for not maintaining rails and road in good condition.

25. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised and of all other tramways of the Company and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be for every such offence subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty may be recovered in manner provided by section 56 of the said Act and the tramways of the Company for the purposes of this section shall include any tramways purchased by the Company or taken on lease by them during the continuance of any such lease. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inquiry by an officer to be appointed by the said Board 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 this section imposed. A.D. 1882.

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

26. In addition to any other provisions of this Act the Company shall maintain and keep the tramways by this Act authorised and all other tramways belonging to or leased by the Company in good condition and repair to the satisfaction of the road authority of the district within which such tramways respectively are or may be 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 of the Tramways Act 1870 but by the said road authority only.

Further provisions as to construction of tramways.

27. 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 or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or 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 or 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.

Sewer authority to have access to sewers.

28. 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. 1882.

Company may be required to use improved form of rail.

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

Power to make additional crossings, &c.

30. 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.

31. Any paving metalling or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and

may be dealt with removed and disposed of by them in such 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.

Traffic to be suspended during works of drainage.

32. If and whenever in the opinion of the Metropolitan Board of Works it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways of the Company constructed under this or any other Act or the roadway in which the same shall be made the said Board may without any consent or concurrence on the part of the Company enter upon 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.

Saving rights of Metropolitan Board of Works to stop up streets. 18 & 19 Vict. c. 120.

33. Nothing in this Act contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges conferred upon the Metropolitan Board of Works by the Metropolis Management Act 1855 or any other Act relating to that Board as to stopping for public traffic any road or street under the jurisdiction of that Board for the purpose of constructing repairing and maintaining the sewers along or under any such road or street. Provided that in any case in which the Metropolitan Board of Works shall so stop up any road or street for public traffic the promoters may with the consent of the Metropolitan Board of Works and subject to such conditions and in accordance in all respects with such regulations as that Board may from time to time make construct in any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway situate in the road or street so stopped up.

Temporarg tramways may be made when necessary.

34. Where by reason of the execution of any work affecting the surface or soil of any road along which any tramway authorised by this Act is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use

A.D. 1882.

of such tramway or any part thereof the Company may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Power to purchase lands &c.

35. The Company may from time to time purchase but only by agreement any lands not exceeding in the whole five acres for the purposes of the tramways and works.

Interest not to be paid on calls paid up.

36. 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.

37. 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.

Provisions as to general Tramways Acts.

38. Nothing in this Act contained shall exempt the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act.

Costs of Act.

39. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the Company.

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