CHAPTER cxv.

An Act to authorise the London Street Tramways Company to construct additional Tramways and in connexion therewith to improve certain Streets and for other purposes. A.D. 1885.

[22nd July 1885.]

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:

And whereas the following Acts 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:

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:

The London Street Tramways (Extension) Act 1879:

The London Street Tramways (Extensions) Act 1882: and

The London Street Tramways (Extensions) Act 1884:

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

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And whereas in order to render certain of the streets and roads to be traversed by the tramways by this Act authorised more suitable for the working of such tramways it is expedient that the Company should be authorised to widen and improve the same and alter the levels thereof (which widening improvement and alteration and the works other than the tramways in connexion therewith are herein-after included in the expression "the street improvements") and that the other powers in this Act contained should be conferred upon the Company:

And whereas between the respective points of commencement and termination of the double lines of Tramways Nos. 2 and 2A 3 and 3A and 4 and 4A described in this Act there already exist single lines of tramways belonging to the Company (herein-after called "the old single lines") and the traffic thereon is found to be often in excess of that which can be safely and conveniently carried by means of single lines of tramways and it is expedient that the Company should be authorised to take up and remove and to appropriate to and to use in the laying down of the double lines of tramway by this Act authorised to be substituted therefor the rails and materials of the old single lines:

And whereas plans and sections showing the situation lines and levels of the tramways and street improvements authorised by this Act the plans showing also the lands which may be taken compulsorily under the powers of this Act and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the county of Middlesex and are herein-after respectively referred to as the deposited plans sections and books 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 1885.

Incorporation of general Acts.

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 non-payment 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 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Part II (construction of tramways) and Part III (general provisions) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act.

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

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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:

(1.) A tramway (No. 1) (single line) 3 furlongs and 4·30 chains or thereabouts in length commencing in Southampton Road by a junction with the existing tramway of the Company in that road opposite Circus Road passing thence along Southampton Road into and along Fleet Road and terminating in that road at its junction with South End Green:

(1B to 1E.) Four tramways or passing places (on the deposited plans and sections referred to as Tramway No. 1B Tramway No. 1C Tramway No. 1D and Tramway No. 1E respectively) being single lines respectively and commencing and terminating respectively by junctions with Tramway No. 1 by this Act authorised the lengths of such respective tramways and their situation and the points of their commencement and termination being as follows that is to say:

Tramway (No. 1B) 2·50 chains or thereabouts in length partly in Southampton Road and partly in Fleet Road commencing in Southampton Road at a point about 2 chains north of Dunboyne Street and terminating in Fleet Road at a point about 1 chain west of Agincourt Road:

Tramway (No. 1C) 2 chains or thereabouts in length wholly in Fleet Road commencing and terminating at points respectively about $3\frac{1}{2}$ chains and about $5\frac{1}{2}$ chains west of Agincourt Road:

Tramway (No. 1D) 2 chains or thereabouts in length wholly in Fleet Road commencing and terminating at points respectively about 2 chains east and opposite Cressy Road:

Tramway (No. 1E) 2 chains or thereabouts in length wholly in Fleet Road commencing and terminating at points respectively about $4\frac{1}{2}$ chains and about $6\frac{1}{2}$ chains west of Cressy Road:

(1F.) A tramway (on the deposited plans and sections referred to as Tramway No. 1F) (single line) 0·80 chains or thereabouts in length wholly in Fleet Road commencing by a junction with Tramway No. 1 by this Act authorised at a point about three-quarters of a chain east of the junction of South End Green and Fleet Road and terminating at such last named junction:

Tramways Nos. 1 1B 1C 1D 1E and 1F by this Act authorised will together form a continuous line of tramway 3 furlongs and 4·30 chains in length being a single line of tramway except for distances amounting in the aggregate to 9·30 chains when the same will be a double line;

(2 and 2A.) A Tramway (No. 2) and a Tramway (No. 2A) forming together a double line of tramway 1·60 chains or thereabouts in length wholly in Junction Road in the parish of St. Mary Islington commencing and terminating by junctions with the existing tramway of the Company in that road at points respectively about 1 chain north and about 1 chain south of Vorley Road:

(3 and 3A.) A Tramway (No. 3) and a Tramway (No. 3A) forming together a double line of tramway 7·70 chains or thereabouts in length wholly in Fortess Road in the parish of St. Pancras commencing by junctions Tramway No. 3 with the easternmost and Tramway No. 3A. with the westernmost of the existing tramways of the Company in Fortess Road opposite the house numbered 152 in that road and terminating Tramway No. 3 by a junction with the easternmost and Tramway No. 3A by a junction with the westernmost of the existing tramways of the Company in that road at a point about half a chain north of Lady Somerset Road:

(4 and 4A.) A Tramway (No. 4) and a Tramway (No. 4A) forming together a double line of tramway 1·60 chains or thereabouts in length wholly in Fortess Road in the parish of Saint Pancras commencing by junctions Tramway No. 4 with the easternmost and Tramway No. 4A with westernmost of the existing tramways of the Company in that road at points respectively about $1\frac{1}{2}$ chains north of Fortess Grove and both tramways terminating by a junction with the existing tramways of the Company at a point opposite Fortess Grove:

(6.) A tramway (on the deposited plans and sections referred to as Tramway No. 6) (single line) 3 furlongs and 4·60 chains or thereabouts in length commencing in Kentish Town Road by a junction with the easternmost of the existing tramways of the Company in that road at a point opposite Rochester Road thence passing along Kentish Town Road and into High Street Camden Town and terminating in that street by a junction with the easternmost of the existing tramways of the Company there opposite the "Mother Red Cap" public-house:

(6A.) A tramway (on the deposited plans and sections referred to as Tramway No. 6A) (single line) 1 furlong and 0·85 chains or thereabouts in length wholly in Kentish Town Road commencing by a junction with the westernmost of the existing tramways of the Company at a point opposite Rochester Road and terminating by a junction with Tramway No. 6 by this Act authorised at a point about $1\frac{1}{2}$ chains south of Clarence Road:

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(6B.) A tramway (on the deposited plans and sections referred to as Tramway No. 6B) (single line) 3·50 chains or thereabouts in length wholly in Kentish Town Road commencing and terminating by junctions with Tramway No. 6 by this Act authorised at points respectively about 1½ chains north and about 2 chains south of Hawley Road:

(6C.) A tramway (on the deposited plans and sections referred to as Tramway No. 6C) (single line) 2 chains or thereabouts in length wholly in Kentish Town Road commencing and terminating by junctions with Tramway No. 6 by this Act authorised at points respectively about 2½ chains north and about half a chain north of Hawley Crescent:

(6D.) A tramway (on the deposited plans and sections referred to as Tramway No. 6D) (single line) 4·40 chains or thereabouts in length commencing in Kentish Town Road by a junction with Tramway No. 6 by this Act authorised at a point about 2 chains south of Buck Street passing thence into High Street Camden Town and terminating in that street by a junction with the westernmost of the existing tramways of the Company there opposite the "Mother Red Cap" public-house:

Tramways Nos. 6 6A 6B 6C and 6D by this Act authorised will together form a continuous line of tramway 3 furlongs and 4·60 chains in length being a double line of tramway except for distances amounting in the aggregate to 1 furlong and 3·85 chains when the same will be a single line:

(25.) A tramway (on the deposited plans and sections referred to as Tramway No. 25) (single line) 6 furlongs and 8·10 chains or thereabouts in length commencing in Pentonville Road by a junction with the northern line of the existing tramways of the Company in that road at a point about 1¾ chains west of North Street passing thence into and along King's Cross Road and Farringdon Road and terminating in that road at a point about 1¼ chains north-west of the lamp standard at the intersection of Farringdon Road and Clerkenwell Road:

(25A.) A tramway (on the deposited plans and sections referred to as Tramway No. 25A) (single line) 2·40 chains or thereabouts in length commencing in Pentonville Road by a junction with the southernmost line of the existing tramways of the Company in that road at a point about 1¾ chains west of North Street passing thence along Pentonville Road into and along King's Cross Road and terminating in that road by a junction with Tramway No. 25 by this Act authorised at a point about 2¾ chains north-west of Field Street:

(25B to 25I.) Eight tramways (on the deposited plans and sections referred to respectively as Tramway No. 25B Tramway No. 25C Tramway No. 25D Tramway No. 25E Tramway No. 25F Tramway No. 25G Tramway No. 25H and Tramway No. 25I) being single lines respectively commencing and terminating respectively by junctions with Tramway No. 25 by this Act authorised the lengths of such respective tramways and their situations and the points of their commencement and termination being as follows that is to say:

Tramway (No. 25B) 1 furlong and 0·50 chains or thereabouts in length wholly in King's Cross Road commencing and terminating at points respectively about $1\frac{1}{2}$ chains north-west of York Street and about $1\frac{1}{4}$ chains north of Great Percy Street:

Tramway (No. 25C) 4·50 chains or thereabouts in length wholly in King's Cross Road commencing and terminating at points respectively about half a chain north of Great Percy Street and about $1\frac{1}{2}$ chains south of Frederick Street:

Tramway (No. 25D) 2 chains or thereabouts in length wholly in King's Cross Road commencing and terminating at points respectively about one chain north and about one chain south of Wharton Street:

Tramway (No. 25E) 3·70 chains or thereabouts in length wholly in King's Cross Road commencing and terminating at points respectively about 5 chains south of Wharton Street and about $2\frac{1}{4}$ chains north-west of Baker Street:

Tramway (No. 25F) 5·80 chains or thereabouts in length wholly in Farringdon Road commencing and terminating at points respectively opposite Lower Calthorpe Street and about $2\frac{1}{2}$ chains south-east of Guildford Street East:

Tramway (No. 25G) 3 chains or thereabouts in length wholly in Farringdon Road commencing and terminating at points respectively about $1\frac{1}{2}$ chains north-west and $1\frac{1}{2}$ chains south-east of Exmouth Street:

Tramway (No. 25H) 6·35 chains or thereabouts in length wholly in the Farringdon Road commencing at a point about $2\frac{1}{4}$ chains south of Exmouth Street and terminating at a point about $2\frac{1}{2}$ chains south-east of Baker's Row:

Tramway (No. 25I) 7·60 chains or thereabouts in length wholly in Farringdon Road commencing at a point about $4\frac{1}{2}$ chains south-east of Baker's Row and terminating at a point about $\frac{3}{4}$ of a chain north-west of the termination of Tramway No. 25 by this Act authorised as above described:

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Tramways Nos. 25 25A 25B 25C 25D 25E 25F 25G 25H and 25I by this Act authorised will together form a continuous line of tramway 6 furlongs and 8·10 chains in length being a double line except for distances amounting in the aggregate to 2 furlongs and 2·25 chains when the same will be a single line:

The Company may in the construction and for the purposes of the Tramways Nos. 2 and 2A 3 and 3A and 4 and 4A by this Act authorised take up and remove and appropriate and use the rails and materials of the old single lines.

Street improvements.

5. The Company may to the extent shown on the deposited plans and according to the levels shown on the deposited sections make and execute the street improvements following and may enter upon take and use the lands and houses within the limits of deviation and of land to be acquired shown on the deposited plans and described in the deposited books of reference in connexion therewith respectively and may for the purposes of such street improvements enter upon open and break up the streets and roads herein-after in this section mentioned The street improvements herein-before referred to and authorised by this Act are:

(1.) The widening and improvement of Wharton Street in the parish of St. James Clerkenwell on the south side thereof from its junction with King's Cross Road to a point 40 yards or thereabouts east thereof:

(2.) The widening and improvement and the alteration of the levels of King's Cross Road partly in the parish of Saint Pancras and partly in the parish of Saint James Clerkenwell between two points about 2 chains and 6 chains respectively south of Frederick Street:

(3.) The alteration of the levels of King's Cross Road partly in the parish of Saint Pancras and partly in the parish of Saint James Clerkenwell from its junction with Lower Calthorpe Street to a point about 5 chains or thereabouts north-west thereof.

Tramways Nos. 25 and 25a to 25i both inclusive shall not be commenced until after all the works described in this section shall have been completed to the satisfaction of the Metropolitan Board of Works and so far as they will be within the said parishes respectively to the satisfaction of the respective vestries of the said parishes acting under the Metropolis Management Act 1855 and the Acts amending the same and the Company may by agreement with any road authority dedicate and apply any land for the time being belonging to them for the purpose of the street improvements or of

widening or improving any street or road in which any tramway of the Company may be laid.

Powers of deviation in street improvements.

6. The Company in constructing the street improvements may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding one foot but not so as to increase the rate of inclination as shown on the deposited sections.

For the protection of the Regent's Canal City and Docks Railway Company.

7. As regards the works necessary for the construction and maintenance of the tramways on and along the bridge known as the Kentish Town Road Bridge over the canal and railways of the Regent's Canal City and Docks Railway Company (in this section called the canal company) and otherwise for the benefit and protection of the canal company the following provisions shall have effect that is to say :—

(1.) The Company shall give fourteen days notice in writing to the canal company of the intention to commence such works and shall at the same time send to the canal company sufficient plans sections and specifications to show the nature of the proposed interference with the said bridge:

(2.) If the engineer of the canal company be of opinion that the proposed works will injure the said bridge or render the same insecure and no method be agreed on of executing such works to the satisfaction of such engineer the matter shall be referred to and determined by an engineer to be agreed on between the parties (or if they cannot agree) to be appointed on the application of either of them by the Board of Trade and the award of such engineer shall be binding on both parties and the costs of the arbitration shall be in the discretion of the arbitrator:

(3.) The works shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the canal company and the Company shall pay to the said engineer his reasonable charges for his services and supervision in connexion with and incidental to the works under this section:

(4.) Any additional expense in the maintenance of the said bridge occasioned by the construction use or maintenance of the tramways shall be borne by the Company:

(5.) Nothing in this Act shall lessen or interfere with the rights or powers of the canal company to maintain alter repair or renew the said bridge and the provisions of section 32 of the Tramways Act 1870 shall extend and apply mutatis mutandis to such maintenance alteration repair and renewal:

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(6.) If any works by this section required to be done by the Company for the protection of the canal company be not commenced within two days after notice thereof from the canal company and duly carried on to completion the canal company may execute the same and recover the cost thereof with full costs of suit from the Company in any court of competent jurisdiction:

(7.) Nothing in this Act or in the Acts wholly or partially incorporated with this Act contained shall take away diminish or affect any rights privileges or powers vested in the canal company or prevent them from at any time making constructing and carrying out any of the powers and works authorised by the Regent's Canal City and Docks Railway Act 1882 nor any Act or Acts of Parliament now passed or hereafter to be passed amending or varying the same and nothing in this Act or in Acts wholly or partially incorporated with this Act as aforesaid shall entitle the Company to any compensation for any damage or otherwise howsoever which they may sustain by reason of the canal company carrying such powers into effect provided that in carrying out such powers the traffic upon the said tramways shall not be materially obstructed:

(8.) If any difference arise between the Company and the canal company as to anything to be done or not to be done or any moneys to be paid or not to be paid under the provisions of this section such difference shall be determined by arbitration according to the provisions of subsection (2) of this section.

Streets and road to remain vested in road authority.

8. As and when the said widenings and improvements and alterations of levels shall respectively have been completed to the satisfaction of the vestry or vestries having the control and management of the street and road in which the respective widening and improvement or alteration has been made the street or road so widened improved or altered shall (subject to the provisions of the Tramways Act 1870 and of this Act as to the repair by the Company of part of roads in which tramways are laid) be and continue vested in and repairable by and under the control and management in all respects of such vestry or vestries as heretofore.

Power to make minor works connected with new streets improvements &c.

9. Subject to the provisions of this Act and for the purposes of the street improvements the Company may remove alter divert and interfere with any drain sewer or watercourse first providing a proper substitute before interrupting the flow of sewage in any drain or sewer or may alter the position of any water pipe or gas

pipe belonging to or connected with any building adjoining or near to the site of the street improvements and any main or other pipe used for carrying water or gas and also (subject nevertheless to the provisions of the Telegraph Act 1878) any pipe tube wire or apparatus laid down for telegraphic or other purposes causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for any damage caused by them: Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply.

Stoppage of streets during execution of Act.

10. Subject to the provisions of this Act the Company may during the execution of the street improvements with the consent in writing of the Metropolitan Board of Works and of the vestry or vestries in whose district any such street shall be situate stop up the carriageway or footway of any street as they think necessary and for that purpose may put up bars posts and other erections.

Purchase of lands by agreement.

11. In addition to the other lands and houses which the Company are by this Act authorised to purchase or acquire they may from time to time purchase or acquire by agreement any lands not exceeding in the whole three acres and may erect and hold offices buildings and other conveniences on any such lands.

Power to take easements &c. by agreement.

12. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Correction of errors in deposited plans and book of reference.

13. If there be any omission mis-statement or wrong description of any of the lands required for street improvements or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited books of reference the Company after giving ten days notice to the owners lessees and occupiers of such lands may apply to two justices acting for the county of Middlesex for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their

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certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Middlesex and a duplicate thereof shall also be deposited with the vestry clerks of the several parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and vestry clerks respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Prohibiting purchase of labouring class dwellings.

14. The Company shall not under the powers of this Act without the consent of the Secretary of State for the Home Department purchase or acquire twenty or more houses which after the passing of this Act have been or on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

Power to apply existing funds.

15. The Company may from time to time apply towards any of the purposes of this Act or to the general purposes of their undertaking being in each case purposes to which capital is properly applicable 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.

16. 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 eighty thousand pounds.

Sections of Act of 1870 applied to new share capital.

17. The provisions of the sections of the Act of 1870 numbered 49 50 and 59 shall apply to the shares in the additional capital by this Act authorised to be raised.

Power to borrow.

18. 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 of their undertaking any further sum or sums not exceeding in the whole twenty thousand pounds and of that sum they may borrow any sums not exceeding in the whole ten thousand pounds in respect of each forty thousand pounds of such additional capital but no part of any such sum of ten thousand pounds shall be borrowed until the portion of additional capital in respect of which the borrowing power is to be exercised 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 such portion of 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 portion of additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of additional 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 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.

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

Mortgage to comprise purchase-money paid on compulsory sale.

20. 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.

21. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramway or the tramway undertaking 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.

22. 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.

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Money borrowed on mortgage to have priority.

23. All moneys 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 any 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.

24. All moneys raised under this Act whether by shares stock or borrowing shall be applied for the purposes of this Act and other the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Time for completion of works.

25. If the tramways and street improvements 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 same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Penalty imposed *unless the* line opened within the time limited.

26. 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 tramways by this Act authorised 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 to Her Majesty's Treasury and in the same manner as the penalty provided in the 3rd section of 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 section to an account opened or to be opened in the name and with the privity of the Paymaster General for and on behalf of the Supreme Court of Judicature in England 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 circum-

stances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalties.

27. 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 in England 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 to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

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

28. 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 or of any other subsequent Act are incorporated with and form part of this Act.

Company not to carry animals and goods on tramways

29. The Company shall not carry on the tramways by this Act authorised any goods animals or other things other than passengers

hereby authorised.

luggage not exceeding the weight in that behalf mentioned in the Act of 1870 and small parcels.

Periodical revision of tolls.

30. 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 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.

Mode of formation of tramways.

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

Carrying of mails by Company.

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

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

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the

maximum weight for the time being fixed for the luggage of ordinary passengers and

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

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

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

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

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

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

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

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

Inspection by Board of Trade.

33. 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.

34. 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.

35. 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 for every such offence be 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. 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.

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

36. In addition to any other provisions of this Act the Company shall maintain and keep the tramways by this Act authorised 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.

37. 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.

Sewer authority to have access to sewers.

38. Every local or 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 local or sewer authority as if the same were a pipe for the supply of gas or water.

Company may be required to use improved form of rail

39. 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 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

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ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying into effect any such improvements.

Power to make additional crossings &c.

40. The Company may subject to the provisions of this Act with he consent of the local 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.

41. Any paving metalling or material excavated by the Company in the construction of any of the works by this Act authorised 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 construction of the said respective works or 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

42. If and whenever in the opinion of the Metropolitan Board of Works it shall be necessary or expedient for the purpose of

works of drainage.

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.

43. Nothing in this Act contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges conferred upon the Metropolitan Board of Works by the Metropolis Management Act 1855 or any other Act relating to that Board as to stopping for public traffic any road or street under the jurisdiction of that Board or for the purpose of constructing repairing and maintaining the sewers along or under any such road or street: Provided that in any case in which the Metropolitan Board of Works shall so stop up any road or street for public traffic the Company 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.

Temporary tramways may be made when necessary.

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

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.

Provisions as to general Tramways Acts.

47. 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

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

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1885.