CHAPTER xlv.

An Act to extend the time for the construction by the North Metropolitan Tramways Company of Works within the city of London; and for other purposes. [30th June 1874.] A.D. 1874.

WHEREAS by "The North Metropolitan Tramways Act, 1869," (in this Act called the Act of 1869,) and "The North Metropolitan Tramways Act, 1870," (in this Act called the Act of 1870,) and "The North Metropolitan Tramways Act, 1871," (in this Act called the Act of 1871,) the North Metropolitan Tramways Company (in this Act called the Company) were empowered to make, maintain, work, and use the several tramways in those respective Acts mentioned and described, but the construction of so much and such parts of those tramways as would lie within the city of London was made subject to, and conditional upon, the previous consent of the Commissioners of Sewers for that city being given thereto: 32 & 33 Vict. c. ci. 33 & 34 Vict. c. clxxii. 34 & 35 Vict. c. clxxix.

And whereas the consent of the said Commissioners of Sewers to the construction of so much of the said tramways as would be within the city of London has not yet been obtained:

And whereas the Company have nearly completed those portions of their authorised tramways which lie without the city of London, and the same are being worked:

And whereas by "The North Metropolitan Tramways Act, 1873," (in this Act called the Act of 1873,) the period limited by the Act of 1870 for the construction of the tramways 5 and 5A by that Act authorised, and for the portions of the tramways 9 and 9A by the same Act authorised as were within the city of London, was extended for a period which will expire on the tenth day of August one thousand eight hundred and seventy-four, and it is expedient that such period should be further extended:

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

A.D. 1874.

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 for all purposes as "The North Metropolitan Tramways Act, 1874."

Extending period limited for the completion of certain tramways authorised by the Act of 1870.

2. The period limited by "The North Metropolitan Tramways Act, 1873," for the completion of the tramways 5 and 5A authorised by the Act of 1870, and the portions of the tramways 9 and 9A authorised by the same Act which are within the city of London, is by this Act further extended for the period of one year from the day of the date of the obtaining by the Company of the consent of the Court of Common Council and of the Commissioners of Sewers for the city of London to the laying down thereof, but so that such extended period shall not exceed three years from the tenth day of August one thousand eight hundred and seventy-four, and on the expiration of such extended period the powers granted to the Company for executing the said tramways and portions of tramways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Penalty imposed unless tramways opened within extended time.

3. Sections three and four of the Act of 1873 shall be and are hereby repealed. If the Company fail within the extended period limited by this Act to complete the tramways the period for completing which is by this Act extended, 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 sums received in respect of such penalty shall amount to five per centum on the estimated cost thereof, 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 third section of "The Railway and Canal Traffic Act, 1854." 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 that section, 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 Court of Chancery, in the bank and to the credit specified in such warrant or order, and shall not be paid thereout except as hereinafter 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 was prevented from completing or opening such tramways 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 penalty.

4. Every sum of money so recovered by way of penalty as last 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 also in compensating all road authorities for the expense incurred by them in taking up any of such tramways 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 Court of Chancery 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 Court of Chancery in England 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 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.

Company not exempt from provisions of present and future general Acts.

5. Nothing in this Act contained shall exempt the Company 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 the recited Acts.

A.D. 1874.

Expenses of Act.

6. 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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