CHAPTER clxviii.

An Act for empowering the North Metropolitan Tramways Company to construct new Tramways; and for other purposes. [28th July 1884.]

A.D. 1884.

WHEREAS it is expedient that the North Metropolitan Tramways Company (herein-after called "the Company") should be authorised to lay down and maintain the new tramways in this Act particularly described in connection with their existing tramways and to raise additional capital for that and other purposes:

And whereas plans and sections showing the lines and levels and indicating the position in the streets along which they are to be laid down of the tramways and works by this Act authorised and books of reference to those plans have been deposited with the clerks of the peace for the counties of Middlesex and Essex and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively:

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 for all purposes as the North Metropolitan Tramways Act 1884.

Incorporation of general Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act that is to say the Lands Clauses Consolidation Act 1845 (except the provisions thereof with respect to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by promoters of the undertaking) the Lands Clauses Consolidation Acts Amendment Act 1860 section 3 (interpretation of terms) section 19

A.D. 1884.

(local authority may lease or take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of borrowed money into capital;

The consolidation of shares into stock; and

The provision to be made for affording access to the special Act; and

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863.

Interpretation.

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

The expression "the tramways" shall except where otherwise expressly provided mean the tramways and works by this Act authorised;

The expression "the undertaking" shall mean the undertaking of the Company as authorised by any other Acts relating to the Company and this Act;

For the purposes of this Act the word "contingencies" in section one hundred and twenty-two of the Companies Clauses Consolidation Act 1845 shall be construed to include the contingency of the undertaking being sold to the local authority under section forty-three of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company; and

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act and in any Act wholly or in part incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute;

The expressions "road authority" "sewer authority" and "local authority" shall as regards tramways in the district of West Ham mean the West Ham Local Board.

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 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 :—

The Great Eastern Street lines distinguished on the deposited plans by the Numbers 1 and 1a consisting of three furlongs two chains and seventy-five links or thereabouts of double line commencing in Old Street by junctions with the existing tramways of the Company at or near the end of Great Eastern Street passing into and along Great Eastern Street into and terminating in High Street Shoreditch by junctions with the existing tramways of the Company at or near the end of Great Eastern Street;

The West India Dock Road lines distinguished on the deposited plans by the Numbers 6 and 6a consisting of two furlongs four chains and twenty-five links of double line commencing by junctions with the existing tramways of the Company at or near the south end of Burdett Road and passing thence into and along and terminating in the West India Dock Road at or near the crossing thereof by the London and Blackwall railway;

A cross-over distinguished on the deposited plans by the Number 7 three chains in length commencing and terminating by junctions with the existing tramways in Commercial Road at points respectively two chains and five chains east of the west end of that road;

The Romford Road lines distinguished on the deposited plans by the Numbers 8 and 8a consisting of two miles seven chains and seventy-five links of double line commencing in High Street Stratford by junctions with the existing tramways of the Company at or near the Swan Hotel at Stratford and passing thence along High Street Stratford (on the south-east side of Stratford church) into and along Romford Road Ilford road and Great Essex Road and terminating in Great Essex Road at or near the junction therewith of White Post Lane;

A.D. 1884.

Provided always that the said tramways Number 8 and Number 8a shall notwithstanding anything shown on the deposited plans be so laid that a space of not less than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway for a distance of thirty-six feet in Romford Road measured eastward from the eastern side of Sprouston road;

The Barking Road lines distinguished on the deposited plans by the Numbers 9, 9a, 9b, 9c, 9d, 9e, 9f, 9g and 9h, consisting of two furlongs and three chains of double line and one mile and seventy-five links of single line commencing in Barking Road at a point about two and a half chains west of Victoria Dock Road and passing thence in an easterly direction and terminating in Barking Road at a point about six chains east of Greengate Street Provided always that the Company shall not without the consent in writing of the West Ham Local Board construct any part of tramways Numbers 9 and 9a west of the end of Burnham Street:

And the tramways by this Act authorised shall for all purposes be part of the tramways of the Company.

As to certain passing places in Barking Road.

5. In lieu of constructing the double line of tramways shown on the deposited plans and consisting of parts of tramway Number 9 and of tramways 9e and 9f the Company shall construct a single line of tramway only in the centre of Barking Road and the Company shall be at liberty to construct a passing place in the said road adjacent to the end of Balaam Street Provided that in the construction of such last-mentioned passing place 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 The passing place upon the bridge carrying Barking Road over the northern outfall sewer belonging to the Metropolitan Board of Works shall notwithstanding anything shown upon the deposited plans be constructed only of such a length as is absolutely necessary to permit of two tramcars passing each other.

Mode of formation of tramways.

6. Every tramway to be made formed or laid down under this Act shall be constructed with two rails on the guage of four feet eight and a half inches and be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the street and no tramway shall be opened for

public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Rails to be approved by Board of Trade.

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

Company may be required to use improved form of rail.

8. The Board of Trade may from time to time upon the application of the local or road authority of any district in which any or 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 despatch comply with any order made by the Board of Trade for the purpose of carrying into effect any such improvements.

Penalty for not maintaining rails and roads in good condition.

9. 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 belonging to or leased by 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 twenty-eight 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 fifty-six of the said Act and the tramways of the Company for the purpose of this section shall include any tramways purchased by the Company or taken on lease by them during the continuance of any such lease.

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

10. 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 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 fifty-six of the Tramways Act 1870 by the said road authority or by their clerk or other officer authorised by minute in that behalf.

Traffic to be suspended during works of drainage.

11. 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

A.D. 1884.

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.

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

12. 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 or authorised to be laid the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Further provisions as to construction of tramways.

13. In addition to the requirements of section twenty-six 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 making forming and laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of construction and a statement of the materials intended to be used therein and the Company shall not commence the construction of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the said board 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 twenty-six of the said Act.

Company may be required to use improved form of rail.

14. The Board of Trade may from time to time upon the application of the local authority 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 despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Power to make additional crossings.

15. 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.

Appeal to the Board of Trade.

16. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions of this Act as to maintaining and keeping in good condition and repair the rails of the tramways and the substructure upon which the same rest 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 inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this Act imposed.

Local or sewer authority to have access to sewers.

17. 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.

Temporary tramways may be made when necessary.

18. 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 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

A.D. 1884.

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:

If any difference arise between the Company and any road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

19. 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 twenty-eight 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.

Company to carry mails.

20. The Company if required by the Postmaster-General shall perform with respect to any of their tramways all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act 1882) as the Postmaster-General may from time to time require by notice under the hand of one of the secretaries or assistant secretaries of the Post Office or the Inspector-General of Mails for the time being the remuneration for such services being determined by agreement or failing agreement

by a referee to be appointed by the Board of Trade at the request of either party provided that—

Except by agreement no mails shall be tendered for conveyance to the Company unless such mails are in charge of an officer of the Post Office;

And provided that except by agreement the aggregate weight of mails in charge of any one officer shall not exceed the maximum weight of luggage for the time being allowed to an ordinary passenger and shall not be carried on the seat or so as to inconvenience passengers but nothing in this section shall deprive the Postmaster-General of the right of requiring the Company to convey mails either as parcels or goods if and to the same extent as the Company are at any time conveying parcels or goods on their own account;

In this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873.

Saving rights of Metropolitan Board of Works to stop up &c. streets.

21. 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.

Extending section 17 of Act of 1869.

22. Section seventeen of the North Metropolitan Tramways Act 1869 (for the protection of the sewers of the Metropolitan and other Boards &c.) is incorporated with and forms part of this Act as fully and effectually as if that section had been expressly repeated and re-enacted in this Act and shall apply to any sewer of the Metropolitan Board of Works whether within or without the metropolis as defined by the Metropolis Management Act 1855.

Providing for junction with existing tramway in Commercial Road.

23. In addition to the several tramways shown upon the deposited plans and sections the Company shall for the purpose of affording through communication by car between the city and the West India Docks lines make form lay down and maintain junctions between the tramways numbered 6 and 6a by this Act authorised and the existing tramways of the Company in the Commercial Road in the direction and manner shown upon the plan signed by Sir Arthur Otway the Chairman of the Committee to whom the Bill for this Act was referred in the House of Commons and which plan has been deposited in the Private Bill Office of the House of Commons.

Company not to use tramway

24. Notwithstanding anything in this Act contained the Company shall not use for traffic so much of the tramways numbered

A.D. 1884.

between West India Dock Road and Burdett Road without consent of Limehouse District Board.

respectively 6 and 6a by this Act authorised as lies between the commencement of those tramways respectively and the West India Dock Road without the previous consent in writing of the road authority under their common seal and subject to such conditions and restrictions as may be specified therein and the road authority may from time to time alter and vary such conditions and restrictions and impose new conditions and restrictions and they may also from time to time rescind and if they think fit re-grant such consent.

For protection of the Limehouse District Board.

25. In addition to the other provisions of this Act the following provisions shall be in force with respect to the works by this Act authorised and the powers to be exercised thereunder within the district or any part of the district of the Board of Works for the Limehouse District herein-after called "the district board":—

1. The several tramways by this Act authorised to be made and maintained within the said district shall be substantially commenced within three months after the passing of this Act and the same shall be thenceforth actively proceeded with and be completed and opened for traffic within six months after the passing of this Act;

2. The said tramways of the Company and the works connected therewith within the said district shall be constructed and from time to time repaired and maintained and all interference with roads and restoration thereof shall be done under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the district board and at the cost in all respects of the Company;

3. The Company shall when required by the said surveyor whilst the works are in course of construction within any part of the said district remove all earth materials and other obstructions and temporarily restore the roadway so as to enable carts and carriages to pass along the same and shall also when and where required by the said surveyor provide and make temporary passing-places for foot passengers across and over the said works;

4. Any part of the roads within the said district which may be disturbed by or in consequence of the works of the Company and for the repair whereof the Company are not or will not be permanently liable shall be repaired and made good by them and be kept by them in good repair for six months after the completion of the said works to the reasonable satisfaction of the said surveyor;

5. The Company shall not in any case without the previous consent in writing of the said surveyor stop up or interfere with any street within the said district so as to prevent the passage of traffic along such street;

6. Whenever the district board shall at any time desire to construct or shall have constructed any refuge or resting place in any road along which any tramway is laid or authorised to be laid under the powers of this Act the Company shall upon demand of the district board or the said surveyor make such alterations as may be necessary in the line and direction of the tramway to allow of the construction or maintenance of any such refuge or resting place;

7. The Company shall on demand purchase from and within three months after the passing of this Act pay to the district board the value of the paving and other works of the roads to be taken up by them within their district along or across which the said tramways are to be made and maintained the value thereof to be determined by the said surveyor and the engineer of the Company and in case of their differing the value shall be a matter in dispute and be settled by an arbitrator to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either party;

8. Any sum of money which may be expended or costs charges and expenses which may be incurred by the district board in paving diverting altering or making good any road street footway sewer drain or gully or otherwise by reason of the same or any of them having been broken up opened or damaged by or for the purposes of the Company or any other sum of money recoverable or to be recovered by the district board under this Act may be recoverable with all costs charges and expenses attending the proceedings for the recovery of the same by summons before and adjudication of any justice of the peace acting for the county of Middlesex;

9. If the Company fail to comply in any respect with the provisions of subsection 1 of the present section they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy against them) be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred and any such penalty shall (notwithstanding anything in any

A.D. 1884.

Act relating to the Metropolitan Police Force or in any other Act) go and belong to the district board and shall form part of the funds applicable to the maintenance of the street;

10. Excepting only as is by this Act expressly provided this Act shall not take away alter lessen prejudice or affect any of the rights powers or authorities vested in the district board but all such rights powers and authorities shall be as valid and effectual to all intents and purposes as if this Act had not been passed.

Traffic to be suspended during works of drainage.

26. If and whenever in the opinion of the West Ham Local Board it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with all or 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 local 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 cases of emergency as to which the said local board shall be sole judge) at least fourteen days 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 surveyor to the said local board for the time being so as not to interfere with any such work and shall have no claim for compensation against the said local board.

Saving rights of the West Ham Local Board to stop up streets.

27. 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 West Ham Local Board by any Act as to stopping for public traffic any road or street under the jurisdiction of the said local board for the purpose of constructing repairing and maintaining the sewers along or under any such road or street.

Company to pave certain portions of roads in West Ham.

28. Wherever in the district of the West Ham Local Board the sides of the carriageway of any street or road whereon the tramways by this Act authorised are to be laid shall be found to be paved the Company shall when laying such tramways and before the same shall be open for use at their own cost and expense and to the satisfaction of the surveyor for the time being of the West Ham Local Board continue the paving up to the existing paving either on one or both sides of the road as the case may be and the Company shall pay upon demand the reasonable charges and expenses of such surveyor for all services performed by him under this Act.

Company to widen carriageway of certain portions of road.

29. Wherever by the construction of the Romford Road lines a space would otherwise be left of less than nine feet six inches between the outside of the kerb of the footpath on either side of the road and the nearest rail of the tramway the Company shall lay the two lines as close together as possible so as to admit of the working of the traffic thereon or on the request of the West Ham Local Board in writing signed by their clerk for the time being shall lay a single line in lieu of double lines and if at any time hereafter the said local board shall desire the carriageway of the road to be widened in such parts as aforesaid by narrowing the footways and of such desire shall give written notice to the Company signed by their clerk for the time being the Company shall at their own expense forthwith widen the carriageway in the mode and of materials in all respects satisfactory to the surveyor to the said local board for the time being and when the carriageway is so widened at any place where the Company have laid a single line only the Company may lay a double line instead of such single line provided that a space of not less than nine feet six inches is left between the kerb of the footpath and the nearest rail of the tramway.

For the protection of the London and North-Western Railway Company.

30. With respect to the tramway Number 9 where it will pass in front of the entrance to the coal depôt and wharf belonging to the London and North-western Railway Company at Barking Road no additional crossing passing place siding or junction or other work shall be made for or in connection with that tramway for the distance thereon extending in front of the said entrance and for a length of ten yards at each end of such distance without the consent of that Company under their common seal and no tramcar or other carriage or vehicle used on that tramway shall be stopped or permitted to be stopped within such distance or lengths except for and only for so long as shall be absolutely necessary for the purposes of discharging and taking up passengers.

For the protection of the London Tilbury and Southend Railway Company.

31. The Company shall construct the Romford Road lines over the bridge which carries the Ilford Road over the Forest Gate Branch of the London Tilbury and Southend Railway so far as they affect the said bridge according to such plans and sections as shall be submitted to the engineer for the time being of the London Tilbury and Southend Railway Company and approved by him in writing before the portions of the said Romford Road lines over the said bridge are commenced Provided that if the engineer of the London Tilbury and Southend Railway Company does not signify his approval or disapproval of such plans within one calendar month after they are so submitted to him they shall be deemed to be approved by the London Tilbury and Southend Railway Company

A.D. 1884.

and the said Romford Road lines shall be constructed in accordance with such plans under the superintendence and to the reasonable satisfaction of the said engineer of the London Tilbury and Southend Railway Company in such a manner as not to injure or affect the structure of the said bridge:

Provided that if at any time after the Romford Road lines are constructed over the said bridge the London Tilbury and Southend Railway Company require to alter repair or reconstruct the said bridge and for these purposes or any of them or for any purpose incidental thereto require to take up the tramways over the said bridge they shall be at liberty to do so for such reasonable time as may be necessary for the construction of such works without being liable to pay to the Company any compensation whatsoever for loss of revenue or otherwise Provided that they shall only take up or interfere with one line of the tramways at one and the same time and shall keep the other line free and open for the uninterrupted use of the Company:

Any differences which may arise between the Company and the London Tilbury and Southend Railway Company under this section shall be settled by arbitration in manner provided by the Railway Companies Arbitration Act 1859 and for that purpose the Company shall be deemed to be a railway company.

Power to raise additional capital.

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

Calls.

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

Restriction as to votes in respect of preferential shares or stock.

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

Receipts on behalf of incapacitated persons.

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

Power to borrow.

36. The Company may in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole twenty-five thousand pounds and of that sum they may borrow from time to time not exceeding five thousand pounds in respect of every twenty thousand pounds of the said additional capital but no part of any such sum of five thousand pounds shall be borrowed until shares for the whole of the respective portion of capital in respect of which it is to be borrowed are issued and accepted and one-half of such portion of capital 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 shares for the whole of the respective portion of capital have been issued and accepted and that one-half of such portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were 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 certificate shall be sufficient evidence thereof.

For appointment of a receiver.

37. Section twenty-six of the North Metropolitan Tramways Act 1882 relating to the appointment of a receiver is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section 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 and in order to authorise the appointment of a receiver in respect of principal or principal and interest the amount owing to the mortgagees by whom the application

A.D. 1884.

for a receiver shall be made shall not be less than ten thousand pounds in the whole.

Moneys borrowed on mortgage to have priority.

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

Existing mortgages to have priority.

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

Company not to create debenture stock.

40. The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

41. 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.

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

42. 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 tramways or the tramway undertaking in the event of their being purchased by the local authority under the forty-third section of the Tramways Act 1870.

Application of moneys.

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

Penalty imposed unless tramways opened within limited time.

44. If the Company fail within the period limited by this Act to complete the tramways or any of them 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 of the uncompleted tramway or tramways 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 Chancery Division of the High Court of Justice in the bank and to the credit specified in such warrant or 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 was prevented from completing or opening any tramway 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.

45. 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 tramway or any portion thereof in respect of the non-completion of which the same was recovered 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 such 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 tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice 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 said Chancery Division thinks fit to order on the application of the solicitor of Her Majesty's

A.D. 1884.

Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid 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.

Period for completion of works.

46. The tramways shall be completed within two years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the tramways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Land by agreement.

47. The Company may from time to time purchase and acquire by agreement in addition to any land which they are already authorised to acquire such land as they may require for their undertaking not exceeding in the whole four acres.

Extending to this Act sections of the Act of 1869 as to tolls.

48. Subject to the provisions of this Act the Company may demand and take in respect of the tramways the tolls and charges which they are by the North Metropolitan Tramways Act 1869 authorised to demand and take with respect to the tramways by that Act authorised and sections sixty-seven and sixty-eight and seventy to seventy-three (both inclusive) of the said Act and section thirty-four of the North Metropolitan Tramways Act 1870 are incorporated with and form part of this Act and shall extend and apply to the tramways by this Act authorised and the passengers using the same and the tolls to be taken for the use of the same as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto.

Regulation of fares on the Romford Road lines in West Ham and East Ham.

49. The Company shall not demand or take for any passenger travelling whether inside or outside a tramcar on any part of the Romford Road lines any greater sum than twopence or for any passenger so travelling on the said lines between Saint John's Church Stratford and the Princess Alice Inn both in the district of West Ham but not beyond any greater sum than one penny or for any passenger so travelling on any part of the said lines between the said Princess Alice Inn and White Post Lane in the district of East Ham but not beyond any greater sum than one penny.

Regulation of fares on the Barking Road lines in West Ham.

50. The Company shall not demand or take for any passenger travelling whether inside or outside a tramcar on the Barking Road lines or any part thereof but not beyond any greater sum than one penny.

A.D. 1884.

Periodical revision of tolls.

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

For facilitating interchange and transmission of through traffic.

52. If the Metropolitan Board of Works at any time or times hereafter give notice to the Company stating that in their opinion the Company have not made or are not carrying out proper arrangements for facilitating the interchange and forwarding of traffic coming from or destined for any tramway which belongs to any other company or person and forms an authorised junction with any tramway authorised by this Act and the Company do not within fourteen days after delivery of such notice to them make arrangements in that behalf to the satisfaction of the said Board the Board of Trade may and shall from time to time upon representation by the Metropolitan Board of Works appoint a referee to inquire into the truth of such representation in the manner prescribed by section sixty-three of the Tramways Act 1870 and if such referee report that such representation is true the Board of Trade may make such regulations including if that Board so think fit arrangements for booking through the traffic or any part thereof and the fixing of through fares and rates as having regard to all the circumstances of the case they may deem expedient for providing for such interchange and forwarding of traffic with as little inconvenience as may be to the public and after fourteen days from the date of the delivery of a

A.D. 1884.

copy of any such regulation to the Company the same shall be binding upon the Company and may be enforced in the same manner as regulations made by the local authority under section forty-six of the Tramways Act 1870 Provided always that if and whenever the Board of Trade fix any through rate or fare under this section they shall at the same time fix and determine the proportions in which such through rate or fare shall be divided between and belong to the Company and the other companies or company interested and in fixing and determining such proportions the said Board shall take into account all the circumstances of the case including the actual and relative cost of construction and maintenance of the respective tramways and works of the respective Companies and the said Board may from time to time rescind alter or vary any order which they may make under this section.

Interest not to be paid on calls paid up.

53. 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 Provided always that this Act shall not 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.

54. 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.

Provision as to general Tramway Acts.

55. 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 to be taken by the Company.

Costs of Act.

56. 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.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1884.