CHAPTER xxvi.

An Act for empowering the North Metropolitan Tramways Company to construct new Tramways along Clerkenwell Road; and for other purposes. [21st May 1885.] A.D. 1885.

WHEREAS it is expedient that the North Metropolitan Tramways Company (herein-after called "the Company") should be authorised to lay down and maintain new tramways along Clerkenwell Road in the county of Middlesex in connexion 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 clerk of the peace for the county of Middlesex 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 1885.

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

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(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 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;

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; and

The expression "parish clerks" and "clerks of the several parishes" in sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or extra-parochial places in which by the Standing Orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or extra-parochial place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

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 Clerkenwell Road lines distinguished on the deposited plans by the numbers 1, 1A, 2, and 2A, consisting of five furlongs two chains of double line commencing at the western end of Old Street by junctions with the existing tramways of the Company and passing in a westerly direction across Goswell Road into and along Clerkenwell Road and terminating in that road opposite the Holborn Town Hall :

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

Mode of formation of tramways.

5. Every tramway to be made formed or laid down under this Act shall be constructed with two rails on the gauge of four feet eight and a half inches and shall 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.

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

Company may be required to use improved form of rail.

7. 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

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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.

8. 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.

9. 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.

10. If and whenever in the opinion of the Metropolitan Board of Works it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways of the Company constructed under this or any other Act or the roadway in which the same shall be made the said Board may without any consent or concurrence on the part of the Company enter upon and interfere with such tramways or roadway after having given except in case of emergency at least one month's previous notice in writing to the Company of their intention so to do and the Company shall during the execution of any such works either suspend the traffic upon such tramway or make provision at their own expense

for carrying on the same in a manner satisfactory to the engineer of the said Board so as not to interfere with any such work and shall have no claim for compensation against the said Board.

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

11. 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.

12. 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.

Power to make additional crossings, &c.

13. 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.

14. 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

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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.

15. 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.

16. 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 and 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:

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.

17. Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating

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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.

Carrying of mails by Company.

18. (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

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(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 :

(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.

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

19. 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.

20. 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.

Power to raise additional capital.

21. 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 thirty thousand pounds and such new shares may be wholly or partially ordinary shares or wholly and 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.

22. 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 made in any year upon any share.

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

23. 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.

24. 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.

25. The Company may in respect of the additional capital of thirty 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

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any sum or sums not exceeding in the whole seven thousand five hundred pounds but no part of such sum of seven thousand five hundred pounds shall be borrowed until shares for the whole of the capital in respect of which it is to be borrowed are issued and accepted and one half of such 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 such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and 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.

26. Every provision in any Act passed before the passing of this Act whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect 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 any such provision 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 for a receiver shall be made shall not be less than ten thousand pounds in the whole.

Moneys borrowed on mortgage to have priority.

27. All moneys after the passing of this Act 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.

28. 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.

29. The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

30. 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.

31. 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.

32. 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.

33. 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 to 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

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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.

34. 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 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 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.

35. 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.

36. 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 half an acre Provided always that the Company shall not under the powers of this Act purchase or acquire twenty or more houses occupied either wholly or in part by persons belonging to the labouring class:

For the purposes of 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 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.

Extending to this Act sections of existing Acts as to tolls.

37. 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 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.

Periodical revision of tolls.

38. 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

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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.

39. 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 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.

Provisions as to the manufacture and supply of rolling-stock.

40. The Company may with the consent of not less than three fourths of the votes of the shareholders present in person or by proxy at a meeting convened with special notice of the purpose manufacture provide sell and let on hire tramway rolling-stock and tramway and other carriages and vehicles and the harness fittings and appliances of every description connected with the equipment working and use of tramways and may use for that purpose their existing works manufactories buildings and appliances at Leytonstone and the staff officers servants and workmen employed by them at those works if and whenever such staff officers servants and workmen are not fully employed in the manufacture of such rolling-stock and appliances as aforesaid for the use of the Company and the Company may agree with any other tramway company or any person with reference to the sale hire or supply of any such rolling-stock carriages harness fittings and appliances for the use of such other company or person or with reference to any of the matters aforesaid Provided always that the powers conferred by this section shall not without the further authority of Parliament be exercised after the expiration of five years from the passing of this Act and provided also that the Company shall not raise or expend any additional capital for the purposes of this section.

Interest not to be paid on calls paid up.

41. 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.

42. 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.

43. Nothing in this Act contained shall exempt the tramways from the provisions of any general Act relating to tramways now in

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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.

44. 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. 1885.