



## CHAPTER ccxliv.

An Act to authorise the Lea Bridge Leyton and Walthamstow Tramways Company to construct new Tramways in the counties of Middlesex and Essex and for other purposes.

A.D. 1884.

[7th August 1884.]

**W**HEREAS by the Lea Bridge Leyton and Walthamstow Tramways Act 1881 (in this Act called "the Act of 1881") the Lea Bridge Leyton and Walthamstow Tramways Company (in this Act called "the Company") were incorporated with a share capital of sixty-five thousand pounds in six thousand five hundred shares of ten pounds each and power to borrow on mortgage sixteen thousand two hundred and fifty pounds and were authorised to construct various tramways :

And whereas shares for thirty thousand pounds only of the authorised share capital have been issued and accepted and the Company have not borrowed any money upon mortgage :

And whereas it is expedient that the Company be authorised to construct the additional tramways in this Act described :

And whereas it is expedient that the Company should be authorised to reduce their capital in manner and to the extent hereinafter provided and to attach a preference to sixteen hundred shares part of the six thousand five hundred shares which the Company are by the Act of 1881 authorised to create and issue :

And whereas it is expedient that power should be conferred upon the Company to widen a portion of the road herein-after mentioned :

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

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

[Ch. ccxliv.] *Lea Bridge, Leyton, and* [47 & 48 VICT.]  
*Walthamstow Tramways (Extensions) Act, 1884.*

A.D. 1884.

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

Short title.

1. This Act may be cited as the Lea Bridge Leyton and Walthamstow Tramways (Extensions) Act 1884.

Incorporation of general Acts.

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

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

With respect to the transfer or transmission of shares :

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

With respect to the forfeiture of shares for non-payment of calls :

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

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

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

With respect to the consolidation of the shares into stock :

With respect to the making of dividends :

With respect to the giving of notices :

And with respect to the provision to be made for affording access to the special Act by all parties interested ;

And Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and section 3 (interpretation of terms) section 19 (local authority may lease and take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The word "contingencies" in the Companies Clauses Consolidation Act 1845 section one hundred and twenty-two shall with reference to the



Company be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act 1870 section forty-three at a sum less than the aggregate amount of the capital and debts of the Company.

A.D. 1884.

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:—

Power to make tramways.

Tramway (No. 5 on the deposited plans) of which 4 chains will be single line and 1.50 chains double line wholly in the parish of St. John Hackney in the county of Middlesex commencing at a point in the Clapton Road opposite and in a line with the south wing wall of No. 5 Lea Bridge Corner 6 feet or thereabouts from the centre of the east rails of the North Metropolitan Tramway Company thence passing in a north-easterly direction along the Lea Bridge Road and terminating at a point in the Lea Bridge Road  $5\frac{1}{2}$  chains from the commencement of such tramway:

Tramway (No. 6 on the deposited plans) double line 3 furlongs 9.8 chains in length commencing in the Lea Bridge Road at the termination of Tramway No. 5 thence passing in a north-easterly direction along the Lea Bridge Road and terminating in the parish of Leyton in the county of Essex by a junction with the existing tramway of the Company near the west entrance gate to the East London Waterworks.

5. On and after the passing of this Act the capital of the Company shall consist of forty-six thousand pounds divided into four thousand six hundred shares of ten pounds each.

Reduction of authorised capital.

6. The Company may apply towards any of the purposes of this Act to which capital is applicable any moneys which they are authorised to raise under any other Act or Acts and which may not be required for the purposes to which by the respective Acts such moneys are made applicable.

Power to apply existing funds.

7. The Company may with the consent of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting specially convened for the purpose attach to sixteen hundred shares part of the six thousand five hundred shares which

Power to attach preference to certain shares.

A.D. 1884. — they are authorised to create and issue under the powers of the Act of 1881 but which have not yet been created and issued such privileges by way of preference or priority in payment of dividends or interest at any rate not exceeding the rate of five pounds per centum per annum as the Company may from time to time determine and the shares with such privileges assigned to them may be issued to such persons at such times and upon such terms and conditions as the Company may determine.

Sections 13, 14 and 15 of Companies Clauses Act 1863 to apply to preference shares.

8. Sections 13, 14, and 15 in Part II. of the Companies Clauses Act 1863 incorporated herewith shall apply to any preference shares which the Company may issue under the authority of this Act as if such preference shares had been issued for raising additional capital.

As to votes of preference shareholders.

9. Except as expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any share to which a preferential dividend shall be assigned.

Power to borrow.

10. Notwithstanding anything in the Act of 1881 contained the Company may when and as soon as they have issued one half of the entire capital authorised by that Act as reduced by this Act borrow on mortgage any sum not exceeding five thousand seven hundred and fifty pounds and they may borrow a further sum of like amount in respect of the remainder of such capital when issued by them but no part of either sum shall be borrowed until the whole of the portion of capital in respect of which the same is authorised to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued *bonâ fide* and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Company not to create debenture stock.

11. The Company shall not create debenture stock.



**12.** 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 43 of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage. A.D. 1884.  
Mortgage to comprise purchase money paid on compulsory sale.

**13.** Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways or the tramway undertaking in the event of the same being purchased by the local authority under the 43rd section of the Tramways Act 1870. Indorsement of notice of power of future purchase by local authority.

**14.** The provisions of all previous Acts relating to the Company for the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or proceedings pending. Repealing provisions of previous Acts for appointment of a receiver.

**15.** The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand five hundred pounds in the whole. For appointment of a receiver.

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

**17.** All moneys raised under this Act whether by shares or borrowing shall be applied only for the purposes of this Act and of the Act of 1881 to which capital is properly applicable. Application of moneys.

**18.** The Company may from time to time purchase and acquire (by agreement) in addition to the lands delineated on the deposited plans and described in the deposited book of reference such land as they may require for their undertaking not exceeding in the whole one acre. Purchase of lands by agreement.



A.D. 1884.

Power to  
take ease-  
ments &c.  
by agree-  
ment.

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

Deposit  
money not  
to be repaid  
except so  
far as tram-  
ways are  
opened.

20. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of one thousand three hundred and eighty pounds Consolidated Three Pounds per Cent. Annuities being equal to five per centum upon the amount of the estimate in respect of the tramways proposed to be authorised by the Bill for this Act as originally introduced into Parliament has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act: And whereas the tramways so proposed as aforesaid included certain tramways which were struck out of the said Bill during its progress through Parliament: And whereas the estimate for the tramways by this Act authorised amounts to eight thousand eight hundred pounds five per centum upon which sum is equal to four hundred and forty pounds Consolidated Three Pounds per Cent. Annuities: Be it enacted notwithstanding anything contained in the said Act that of the said sum of one thousand three hundred and eighty pounds Consolidated Three Pounds per Cent. Annuities so deposited as aforesaid in respect of the application for this Act the sum of four hundred and forty pounds Consolidated Three Pounds per Cent. Annuities (which sum is referred to in this Act as the deposit fund) shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers. Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the



deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

A.D. 1884.

**21.** If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been made and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof. Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividend accruing thereon shall from

Application  
of deposit.



A.D. 1884. time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of balance of money deposited.

**22.** On the application of the depositors at any time after the passing of this Act the Chancery Division of the High Court of Justice in England may and shall order that nine hundred and forty pounds Consolidated Three Pounds per Cent. Annuities being the balance of the said sum of one thousand three hundred and eighty pounds like annuities so deposited as aforesaid over and above the deposit fund and the interest and dividends thereof shall be paid to the depositors or to any other person or persons whom they may appoint in that behalf.

Applying provisions of Act of 1881 as to tolls &c.

**23.** The tramways by this Act authorised shall for the purposes of tolls and charges and for all other purposes be deemed to be part of the tramways authorised by the Act of 1881 and the several provisions of that Act except so far as they may be inconsistent with any of the provisions of this Act or any Act or part of an Act incorporated herewith are incorporated with and form part of this Act.

Company not to carry animals and goods.

**24.** The Company shall not carry on the tramways any goods animals or other things other than passengers and passengers luggage not exceeding the weight in that behalf mentioned in the Act of 1881 and small parcels.

Company to carry mails.

**25.** The Company if required by the Postmaster-General shall perform with respect to any of the tramways by this Act or the Act of 1881 authorised 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. A.D. 1884.

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

**26.** The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Company think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny). Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Cheap fares  
for labour-  
ing classes.

**27.** 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 reports 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.

Periodical  
revision of  
tolls.



A.D. 1884.

Mode of  
formation of  
tramways.

**28.** Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed in a manner to be approved by the Board of Trade and shall be laid and maintained in such a manner that the uppermost surface of the rail shall be on a level with the surface of the street or road.

Further pro-  
visions as to  
construction  
of tramways.

**29.** In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the constructing laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

Company  
may be re-  
quired to use  
improved  
form of rail.

**30.** The rails of the tramways shall be such as the Board of Trade may approve. And the Board of Trade may from time to time upon the application of the local or road authority of any district in which the tramways or any part of the tramways are or is situate 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.

Inspection  
by Board of  
Trade.

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

Tramways  
to be kept  
on level of  
surface of  
road.

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



**33.** 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 and of all other tramways of the Company and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be for every such offence subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty may be recovered in manner provided by section 56 of the said Act and the tramways of the Company for the purposes of this section shall include any tramways purchased by the Company or taken on lease by them during the continuance of any such lease. In 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 in this section contained or with any of the requirements of section 28 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 reports that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

A.D. 1884.

Penalty for not maintaining rails and road in good condition.

**34.** In addition to any other provisions of this Act the Company shall maintain and keep the tramways by this Act authorised and all other tramways belonging to or leased by the Company in good condition and repair to the satisfaction of the road authority of the district within which such tramways respectively are or may be situate and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and such penalty may be recovered in manner provided by the said section 56 of the Tramways Act 1870 but by the said road authority only.

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

**35.** Every sewer or local 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 and pipes to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third

Sewer and local authorities to have access to sewers.



A.D. 1884. sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sewer or local authority as if the same were a pipe for the supply of gas or water.

Traffic to be suspended during works of drainage.

**36.** 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 tramways 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.

Additional crossings passing places &c. may be made where necessary.

**37.** The Company may subject to the provisions of this Act with the consent of the 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.

Temporary tramways, may be made when necessary.

**38.** When by reason of the execution of any work affecting the surface or soil of the road along which any tramway 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 road authority subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accord-



ance 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 the tramway so removed or discontinued. If any difference arises 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 tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned. A.D. 1884.

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

**40.** The Company shall pave with such material as the road authority or the Board of Trade may require the whole width of the roadway in all cases where they construct double lines of tramways. Company to pave portion of roadway.

**41.** Subject to the provisions of this Act the Company may make and maintain the following road widening shown upon the deposited plans and sections relating thereto or some part or parts thereof and may enter upon take and use such of the lands delineated on Power to widen portion of Lea Bridge Road.



A.D. 1884. the said plans and described in the deposited book of reference as may be required for that purpose :—

The widening in the parish of St. John Hackney of so much of the Lea Bridge Road as lies between the point known as Lea Bridge Corner and a point distant 60 yards or thereabouts measuring in a north-easterly direction from that corner.

Lands &c. appropriated to widening to be public highway.

42. Subject to agreement between the Company and the district board of Hackney the site of any buildings and any lands which may be purchased by the Company and appropriated to such widening as aforesaid shall when so appropriated and for ever thereafter form part of the public highway and shall be repaired and maintained in the same manner as the Lea Bridge Road is now repaired and maintained.

Limiting period for compulsory purchase of lands.

43. The power of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Limiting period for completion of works.

44. If the tramways and other works authorised by this Act are not completed within two years from the passing of this Act the powers hereby granted to the Company for making the same shall cease except as to so much thereof as is then made and completed.

Protection of Middlesex bridges.

45. The Company shall execute the works by this Act authorised so far as the same affect any bridge which the inhabitants of the county of Middlesex are by law bound to maintain or to repair or any bridge traversed by any highway subject to the following conditions :—

(A.) The Company shall not commence or execute any work or works upon under or affecting any such bridge as aforesaid or the approaches thereto unless and until they shall have first delivered to the surveyor appointed by the justices of the peace for the county of Middlesex and for the time being having charge of the bridges which the inhabitants of the said county are bound to maintain or repair plans drawings and specifications of the works intended to be executed upon under or affecting the said bridge or the approaches thereto nor until the same plans drawings and specifications shall have been examined and approved of by the said surveyor by writing under his hand and by the Board of Trade. Provided always that if the said surveyor shall fail to approve of the works for one calendar month after the plans drawings and specifications thereof have been delivered to him then that the Company shall not execute nor commence any such works as aforesaid unless and until plans drawings and specifications thereof shall have



been examined and approved of by an engineer to be appointed by the Board of Trade on the application of the said justices or the said surveyor : A.D. 1884.

(B.) The Company shall execute all such works as aforesaid at their sole expense and shall at the like expense subsequently maintain the same and all such bridges aforesaid and the roadways over the same respectively and all approaches to the same and all necessary works connected therewith in good substantial and water-tight condition and repair to the reasonable satisfaction of the said surveyor and the Company shall within fourteen days after demand pay to the said justices all costs and expenses incurred by them by reason or in consequence of the execution or of the failure of any of the works of the Company under this Act or of the non-performance by the Company of any of their obligations under this section. Provided always that nothing in this Act contained shall be held to create or imply any obligation upon the said justices to maintain or to keep any such bridge or the approaches thereto in repair nor to render the said justices or the inhabitants of the said county in any way responsible or liable to the Company for or in respect of any damage or injury which may result to their works or any of them by reason of any want of repair to any such bridge or the approaches thereto or by reason of the failure or neglect on the part of the said justices or of the inhabitants of the said county to maintain any such bridge or the approaches thereto or any or either of them.

**46.** 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 or the road authority by the Metropolis Management Act 1855 or any other Act. For protection of Metropolitan Board of Works.

**47.** For the protection of the board of works for the Hackney district (herein-after in this section called the board of works) the following provisions shall have effect and shall be observed and performed by the Company :— For protection of the Hackney District Board of Works.

(A.) Notwithstanding anything in this Act contained it shall not be lawful for the Company to open for traffic any portion of the Tramways Nos. 5 and 6 in the Lea Bridge Road so far as the same are situate in the parish of St. John at Hackney until they shall have acquired the property necessary for the purpose of widening that road between the point known as Lea Bridge Corner and a point distant sixty yards or thereabouts measuring in a north-easterly direction from that corner to a width of at



A.D. 1884.

least including footpaths forty feet and shall have conveyed the same property with vacant possession and without any payment by the board of works for the same to the board of works for the purpose of the widening :

- (B.) The board of works shall contribute and pay to the Company one-third of the net cost to the Company of widening the road in manner aforesaid after the Company shall have disposed of the surplus (if any) of the property so acquired by them at a full price and remaining after widening the road to the width aforesaid. The said sum shall be paid by the board of works to the Company as soon as the said net cost shall have been ascertained and the land necessary to widen the road thrown into the highway provided always that the amount to be paid by the board of works to the Company under this provision shall not in any case exceed the sum of one thousand pounds :
- (C.) The Company shall pave with granite pitching to a depth of not less than six inches the whole width of the roads in the said parish of St. John at Hackney in which the tramways are made and laid down and the Company shall from time to time and at all times thereafter repair and maintain so much of the granite pitching which they are by this section required to lay down as shall be situate between the rails of the tramways and a distance of four feet on each side thereof :
- (D.) If the Company lay any part of the said tramways on or use any of the existing granite pitching they shall pay to the board of works such a sum as the board of works shall deem to be the value of the same a reasonable deduction being made for wear and tear :
- (E.) All materials removed by the Company in constructing the said tramways in the said parish of St. John at Hackney and not required for the formation and maintenance of such tramways for six months after completion shall be and remain the property of the board of works and shall be removed by them within seven days after they shall have received notice in writing from the Company to that effect :
- (F.) All works to be made and executed by the Company under the provisions of this section shall be made and done in all things at the sole cost of the Company and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the board of works and according to plans sections and specifications to be previously submitted to and approved of by them before any of the works are begun :
- (G.) If any question or difference shall at any time arise between the Company and the board of works touching any of the



matters provided for by this section the question in difference shall on the application of the Company or the board of works be referred to and determined by an arbitrator to be appointed by the Board of Trade but in all respects at the cost of the Company.

A.D. 1884.

**48.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest not to be paid on calls paid up.

**49.** 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.

Deposits for future Bills not to be paid out of capital.

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

Provisions as to general Tramway Acts.

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

Costs of Act.



