



CHAPTER cxxxii.

An Act to extend the time for the completion of the
Tramways authorised by the West Metropolitan Tram-
ways Act 1889 and for other purposes. [21st July 1891.]

A.D. 1891.

WHEREAS by the West Metropolitan Tramways Act 1889 (in this Act called "the Act of 1889") the West Metropolitan Tramways Company (in this Act called "the Company") were authorised to construct certain additional tramways in the parishes districts or extra-parochial places of Hammersmith Chiswick Acton and Ealing in the county of Middlesex and the Company were authorised to raise additional capital for the purposes of their undertaking:

And whereas the tramways authorised by the Act of 1889 have not been constructed or commenced:

And whereas it is expedient that the time limited by the Act of 1889 for the construction of the tramways and works thereby authorised should be extended:

And whereas the objects aforesaid 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 (that is to say):—

1. This Act may for all purposes be cited as the West Metro- Short title.
politan Tramways Act 1891.

2. Part II. of the Railways Clauses Act 1863 relating to Incorporation of part
extension of time is hereby incorporated with this Act and made of Railways
applicable to the tramways and works by the Act of 1889 Clauses Act
authorised. 1863.

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Extension of time for completion of tramways authorised by Act of 1889.

Powers to cease if tramways not completed within extended period.

Alteration of the Order of 1887.

Provisions for protection of the Postmaster-General.

3. The time limited by the Act of 1889 for the completion of the tramways and works thereby authorised is hereby extended until the twenty-sixth day of August one thousand eight hundred and ninety-two and section seven of the Act of 1889 shall be read as if the period therein referred to for the completion of the tramways by that Act authorised was the extended time limited by this Act.

4. If the tramways and works authorised by the Act of 1889 shall not be completed within the period limited by this Act then on the expiration of such period the powers by the said Act and this Act granted to the Company for making and completing the tramways and works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

5. The period of seven years mentioned in section 4 of the West Metropolitan Tramways Order 1887 confirmed by the Tramways Orders Confirmation (No. 1) Act 1887 shall be held to commence from the date of the passing of this Act instead of the Act confirming the said Order of 1887.

6. Section 15 of the said Order of 1887 is hereby repealed and in lieu thereof in the event of any of the tramways of the Company being worked by electricity the following provisions shall have effect:—

(1.) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or addition to their system which may be directed by the arbitrator:

(2.)—(a.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on

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each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(b.) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

(3.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(4.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular

41 & 42 Vict.
c. 76.

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nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section :

- (7.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :
- (9.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

31 & 32 Vict.
c. 119.

Provisions as
to telegraphs
and tele-
phones.

7. The following provisions shall have effect in the event of any tramways of the Company being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say) :—

- (1.) The Company shall so construct their electric circuits and other works of all descriptions and shall so work their tramway in all respects as not injuriously to affect the working of any existing electric circuits from time to time used or intended to be used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such circuits and shall use every reasonable means in the construction of their circuits and other works of all descriptions and in the working of their undertaking to prevent injurious affection whether by induction or otherwise to any electric circuits used or intended to be used for the purposes aforesaid (whether existing at the time of the construction of the electric circuits or other works of the Company or not) or the currents in such circuits :

Provided that as regards electric circuits erected or laid down by parties other than the Company after the construction of the works of the Company this sub-section shall only apply if in the erection laying down and working of such circuits reasonable and proper precautions against injurious interference with other electric circuits have been taken and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Company :

- (2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby

the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Company shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Company requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Company shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid: A.D. 1891.

If any difference arises between any such owner and the Company with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration:

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered:

(3.) If any difference or question arises between the parties or any of them under this section such difference or question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(4.) Nothing in this section contained shall be held to deprive the owners of such electric circuits of any existing rights to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

8. Section 4 of the Act of 1889 shall be read and take effect as though Tramway No. 22 by that Act authorised were described as being intended to terminate in the Uxbridge Road by a junction with the Company's existing tramways at the intersection of Birkbeck Grove and Mansel Road instead of at the point in that Act mentioned. Alteration of the Act of 1889.

9. Section 22 of the Act of 1889 is hereby repealed and in lieu thereof the following provisions shall have effect:— Application of penalties.

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If the Company do not previously to the expiration of the time for completion of the tramways which is hereby extended complete the same and open them for the public conveyance of passengers then and in every such case every sum of money recovered by way of penalty under section 21 of the Act of 1889 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 and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors.

Extension
of time for
conversion of
old prefer-
ence shares.

10. Notwithstanding the provisions of section 31 of the Act of 1889 the time within which the holders of "the Old Preference Shares" in such section mentioned are to be entitled to convert their Old Preference Shares into New Preference Shares shall be deemed to extend to the first day of June one thousand eight hundred and ninety-two.

Tramways
of the
Company not
exempt from

11. Nothing in this Act contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways now in force or which may hereafter

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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.

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—
provisions
of present
and future
general Acts.

12. 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.

Expenses of
Act.

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