



CHAPTER clxviii.

An Act for empowering the Harrow Road and Paddington A.D. 1891.
Tramways Company to construct new tramways and for
other purposes. [28th July 1891.]

WHEREAS it is expedient that the Harrow Road and Paddington Tramways Company (in this Act called "the Company") incorporated by the Harrow Road and Paddington Tramways Act 1886 (in this Act called "the Act of 1886") should be authorised to lay down and maintain new tramways in the parishes of Willesden in the county of Middlesex and Paddington in the county of London in connection with their existing tramways and to raise additional capital for that and other purposes:

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the respective clerks of the peace for the counties of Middlesex and London and those plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference respectively:

And whereas a short portion of the tramways authorised by the Act of 1886 has not been constructed and will be rendered unnecessary by the construction of certain of the tramways by this Act authorised and it is expedient that the Company should be authorised to abandon the said portion:

And whereas the remaining portions of the tramways authorised by the Act of 1886 were constructed within the time limited by that Act and shortly after the expiration of that period the said tramways were opened for the public conveyance of passengers but by reason of the Company not having within the time limited for their completion opened the said tramways for the public conveyance of

[Ch. clxviii.] *Harrow Road and Paddington* [54 & 55 VICT.]
Tramways Act, 1891.

A.D. 1891. — passengers the deposit fund mentioned in the Act of 1886 has become forfeited to Her Majesty and it is expedient that provision should be made for the repayment of the said deposit fund as hereinafter contained :

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 Harrow Road and Paddington Tramways Act 1891.

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 Acts section three (Interpretation of terms) section nineteen (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 nonpayment 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 by this Act authorised :

The expression "the undertaking" shall mean the undertaking of the Company as authorised by the Act of 1886 and this Act: A.D. 1891.

For the purposes of this Act the word "contingencies" in the Companies Clauses Consolidation Act 1845 section one hundred and twenty-two 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.

4. If any omission misstatement or wrong description of any lands or of any owner lessee or occupier of any lands described in or intended or purporting to be described in the deposited plans and book of reference be discovered the following provisions shall have effect (that is to say):— Correction
of errors as
to lands.

The Company may apply to a police magistrate or two justices for the correction thereof giving ten days' notice in writing to the owners lessees and occupiers of the lands affected by the proposed correction:

If it appears to such magistrate or justices that the omission misstatement or wrong description arose from mistake he or they shall certify the same stating in the certificate the particulars of the omission misstatement or wrong description:

The certificate shall be deposited as if the same had originally formed part of the deposited plans or book of reference (as the case may be) and shall be kept therewith and shall be deemed to be part thereof and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and the Company may enter upon take and use the lands for the several purposes to which they are appropriated by this Act in accordance with the certificate as if there had not been any omission misstatement or wrong description.

5. 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 hereinafter 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 Power to
make tram-
ways.

[Ch. clxviii.] *Harrow Road and Paddington* [54 & 55 VICT.]
Tramways Act, 1891.

A.D. 1891. sections with all proper rails plates works and conveniences connected therewith The tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 1 commencing in the Harrow Road by a junction with the existing tramway of the Company at its termination at or near the end of Amberley Road and passing thence in an easterly and south-easterly direction along Harrow Road and terminating in that road at a point about one chain and fifty links or thereabouts west of the Edgware Road :

Tramway No. 1 will be one mile one furlong three chains and seventy-five links in length of which six furlongs nine chains and seventy-five links will be double line and two furlongs four chains will be single line :

Tramway No. 5 commencing by a junction with the existing tramway of the Company in Harrow Road at or near the south end of Walterton Road and passing thence in a northerly direction along Walterton road and terminating by a junction with the existing tramway of the Company in Chippenham Road opposite the Chippenham Hotel :

Tramway No. 5 will be two furlongs and five chains in length of which one furlong six chains and fifty links will be double line and eight chains and fifty links will be single line :

Tramway No. 6 commencing by a junction with the existing tramway of the Company at its termination in Cambridge Road and passing thence into and in an easterly direction along Carlton Road and in a northerly direction into and along Kilburn Park Road and terminating in that road at or near the north-east end thereof :

Tramway No. 6 will be two furlongs and six chains in length and will be a double line throughout:

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

Part of
Tramway
No. 1 to be
single line.

6. Notwithstanding anything shown on the deposited plans so much of Tramway No. 1 by this Act authorised as will be situate between Brindley Street and Marlborough Street shall be constructed as a single line and as nearly as may be in the centre of the road.

Power to
Company
to widen
Harrow
Road.

7. Subject to the provisions of this Act the Company may at their own expense and in accordance with the plan signed by the Right Honourable Leonard Henry Courtney the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred execute the following work and may enter upon take and use such of the lands delineated on the deposited plans and

described in the deposited book of reference as are required for that purpose (that is to say):— A.D. 1891.

They may widen Harrow Road on the northern side thereof between a point one chain south-east of Porteus Road and a point at or near the south-west corner of the police station:

And it shall be lawful for the Company notwithstanding anything shown on the deposited plans or in this Act contained to lay the portion of Tramway No. 1 between the points aforesaid as a double line along the centre of the street as widened:

Provided always that no part of Tramway No. 1 by this Act authorised to be constructed by the Company shall be so constructed until the widening of Harrow Road authorised by this section with all necessary kerbing paving channelling and gullies shall have been completed in accordance with the plan signed by George Hopkins on behalf of the Company and by George Weston on behalf of the vestry of the parish of Paddington and to the satisfaction of the said vestry Provided also that the Company shall at any time upon the request of the said vestry convey to the said vestry for the purposes of the said parish such part or parts of the said lands so taken by the Company as is shown on the last mentioned plan and the cost of executing every such conveyance shall be borne by the Company:

Provided further that no part of the said tramway shall be commenced until the engineer of the London County Council shall have given a certificate under his hand to the effect that the said widening has been properly completed.

8. The level of the Harrow Road between points 160 feet north and 60 feet south of Fulham Place shall be raised and improved in the manner and to the extent shown on the section signed by Alexander R. Binnie Chief Engineer to the London County Council. Altering level of road at canal bridge.

9. The Company shall cause every car passing from west to east over the canal bridge near Howley Place to stop on the passing place at the eastern end thereof and the Company shall be liable to a penalty of not exceeding forty shillings for every offence against this section. Cars to stop at canal bridge.

10. For the protection of Joseph William Baxendale Lloyd Harry Baxendale and Francis Hugh Baxendale trading under the name or style of and hereinafter referred to as Messieurs Pickford and Company the following provisions shall have effect:— For the protection of Messrs. Pickford and Company.

Notwithstanding anything in this Act contained or shown on the deposited plans it shall not be lawful for the Company to purchase or acquire by compulsion any estate or interest legal or equitable of Messieurs Pickford and Company in any of the lands numbered on the deposited plans, 31, 32, 33, 34, 35 and

A.D. 1891.

35a in the parish of Paddington except in the portion of those lands which shall be actually necessary for the widening of the Harrow Road by this Act authorised and which portion is coloured red on the plan signed by the Right Honourable Leonard Henry Courtney the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited in the Private Bill Office of that House.

For the
protection of
the Grand
Junction
Canal
Company.

11. The following provisions unless otherwise agreed between the Company and the Company of Proprietors of the Grand Junction Canal (hereinafter called "the Canal Company") by writing under the respective common seals of such Companies shall apply and have effect for the protection of the Canal Company (that is to say):—

- (1) The Company shall not commence to construct Tramway No. 1 or any works in connection therewith over either of the bridges carrying the Harrow Road across the Paddington Canal of the Canal Company and known respectively as the Lock Hospital Bridge and the Harrow Road Bridge until after fourteen days' previous notice in writing shall have been given by the Company to the Canal Company of their intention to commence such tramway or works and the Company shall so construct such tramway and works as not in any way to interfere with the permanent structure masonry or girders of the said bridges or either of them or otherwise injuriously to affect such bridges or either of them or the approaches thereto:
- (2) In the event of any interference or injury as aforesaid being occasioned to either of the said bridges by reason of the construction of the said tramway or works or the maintenance renewal or use of the same or otherwise by any act or default of the Company their contractors agents or servants the Canal Company may at the expense of the Company restore the said bridges or such of them as may be so interfered with or injured to the same or as good a state and condition as they were in before such interference or injury was occasioned and the Company shall from time to time repay to and indemnify the Canal Company against all costs losses damages and expenses which they may sustain or be put to in consequence of such interference or injury or in restoring the said bridges in manner aforesaid The Company shall also repay to and indemnify the Canal Company against all additional costs and expenses incurred by them from time to time in consequence of such tramway and works in maintaining and repairing the said bridges or either of them or in repairing the roadway over the same or such part thereof (if any) as the Canal Company are

liable to maintain and repair and the Canal Company may recover from the Company all such costs damages and expenses together with full costs of suit in like manner as any simple contract debt of the like amount may be recovered : A.D. 1891.

(3) It shall be lawful for the Canal Company at any time and from time to time after giving three months' notice in writing thereof to the Company to remove alter or renew such bridges or either of them or to cause the same to be removed altered or renewed in the same manner as they might have removed altered or renewed the same or caused them to be removed altered or renewed if this Act had not been passed or the tramway had not been laid over the same and without making any compensation to the Company for injury to or interference with the tramway thereon or for loss or interruption of traffic or any other damage to be occasioned to the Company by any such removal alteration or renewal and in the event of either of such bridges being altered or renewed as aforesaid the Company shall at their own expense take up the said tramway and reconstruct the same upon such altered or renewed bridge in the same manner and subject to the same provisions so far as applicable as are herein provided for constructing the said tramway over the original bridges Provided that such alteration or renewal shall be conducted with all reasonable dispatch and with as little injury to or interference with the tramway and loss and interruption of the traffic and other damage to the Company as possible and all reasonable temporary facilities shall be afforded to the Company for enabling them to continue the traffic on their tramways during such alteration or renewal :

(4) If any difference shall arise between the Company or their engineer and the Canal Company or their engineer with respect to the mode of execution of any work relating to such bridges tramway or works such difference shall be settled by an engineer or other fit person to be nominated as referee by the Board of Trade on the application of either the Company or the Canal Company and the decision of such referee shall be final and the costs of such reference shall be borne and paid as the referee shall direct.

12. The powers of the Company for the compulsory purchase of lands for the purposes of the widening of Harrow Road hereby authorised shall cease after the expiration of two years from the passing of this Act. Period for compulsory purchase of lands.

13. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole fifty thousand pounds by the issue at their Power to raise additional capital.

A.D. 1891. option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any or either of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share or stock 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 or the whole of such stock shall have been paid in respect thereof.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

14. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company and the new shares or stock were shares or stock in that capital :

The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

15. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

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

16. 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 to which a preferential dividend shall be assigned.

Power to borrow.

17. The Company may in respect of the additional capital of fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twelve thousand five hundred pounds and of that sum they may borrow from time to time not exceeding six thousand two hundred and fifty pounds in respect of each twenty-five thousand pounds of the said additional capital but no part of any such sum of six thousand two hundred and fifty pounds shall be borrowed until shares for so much of the respective portion of the said additional capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of the respective portion of the said capital have 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 has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the respective portion of such additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock (as the case may be) were issued and accepted and to the extent aforesaid 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 also if the said respective portion of capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same 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.

A.D. 1891.

18. Section eleven of the Act of 1886 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than one thousand pounds in the whole.

For appointment of a receiver.

19. All moneys after the passing of this Act to be borrowed on mortgage under the Act of 1886 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.

Moneys borrowed on mortgage to have priority.

20. All mortgages granted by the Company in pursuance of the powers of the Act of 1886 and subsisting at the passing hereof shall during the continuance of any such mortgages and subject to the provisions of the Act of 1886 have priority over any mortgages granted by virtue of this Act.

Existing mortgages to have priority.

A.D. 1891.

Company not
to create debenture
stock.

Mortgage
to comprise
purchase-
money paid
on compul-
sory sale.

Endorsement
of notice of
power of
future pur-
chase by
the local
authority.

Application
of moneys.

Power to
apply cor-
porate funds
to purposes
of Act.

Mode of
formation
of tramways.

21. The Company shall not create debenture stock.

22. 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.

23. 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.

24. All moneys raised under this Act whether by shares or stock 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.

25. The Company may apply to the purposes of this Act or to the general purposes of their undertaking to which capital is properly applicable any of the moneys which they have now in their hands or which they have power to raise by shares or mortgage by virtue of the Act of 1886 and which may not be required for the purposes to which they are by that Act made specially applicable.

26. Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed with two rails to be approved by the Board of Trade on a gauge of four feet eight and a-half inches 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 and no carriage truck or waggon constructed for use upon a railway shall be permitted to pass along the tramways :

Any part of the tramways in the parish of Paddington which are shown on the deposited plans as intended to be laid as a double line shall (subject to the provisions of this Act) if the vestry of the said parish by notice in writing addressed to the Secretary of the Company at their principal office so direct be laid as a single line and the roadway shall be paved with wood or stone as the said vestry shall in like manner direct. Provided always that if for a space of one month after being requested to do so by the Company the said vestry shall fail to give any directions in pursuance of this section it shall be lawful for the Company to lay down such part of the tramways as aforesaid with such number of rails and in such manner as subject to the provisions of this Act they may think fit.

27. 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 tramway 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 dispatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

A.D. 1891.
Company to adopt improvements if required by the Board of Trade.

28. 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.

Inspection by Board of Trade.

29. 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 any tramways of the Company 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.

Tramways to be kept level with the surface of the road.

30. 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 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 construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively 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 twenty-six of the said Act.

Further provisions as to construction of tramways.

31. During the construction of any works by this Act authorised in any road in any district the Company shall make such arrangements in relation to the execution of such works as may in the opinion of the road authority of such district be proper for preventing the traffic along such road from being unnecessarily impeded.

Traffic not to be impeded during construction.

A.D. 1891.
Penalty for
not main-
taining rails
and roads.

32. 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 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 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 fifty-six of the said Act:

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 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 assistant secretary to 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:

In default of the Company keeping in repair any road within the parish of Paddington which in accordance with the provisions of this section they ought to keep in repair the vestry of the said parish may after due notice execute the work themselves and may recover the cost thereof from the Company in any court of competent jurisdiction in addition to the penalty hereinbefore provided.

Sanitary
authorities
to have
access to
sewers.

33. 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.

Power
to make
additional
crossings &c.

34. The Company may subject to the provisions of this Act with the consent of the local 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.

A.D. 1891.

35. 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 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 or by this Act 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.

36. 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 London County Council by the Metropolis Management Act 1855 or any other Act relating to that body as to stopping for public traffic any road or street under their jurisdiction or for the purpose of constructing repairing and maintaining the sewers along or under any such road or street nor shall anything in this Act authorise any interference with any sewer drain watercourse or work under the jurisdiction or control of the London County Council or of any vestry constituted under the

Saving
rights of
London
County
Council
to stop up
streets.

A.D. 1891. — Metropolis Management Act 1855 without the consent in writing both of the London County Council and of any such vestry.

Further provisions as to tramways within the metropolis.

37. The following provisions shall apply in the case of so much of the tramways by this Act authorised as will be within the metropolis as defined by the Metropolis Management Act 1855 :—

(1) No part of any tramway shall be constructed so that a less distance than 9 feet 6 inches shall intervene between the outside of the footpath and the nearest rail of the tramway :

(2) In addition to any other provisions of this Act the Company shall maintain and keep the tramways by this Act authorised and also two feet on each side of every line of rails 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 section 56 of the Tramways Act 1870 but by the said road authority only.

As to purchase.

38. For the purpose of giving effect to the provisions of the Tramways Act 1870 relating to purchase by the local authority the tramways by this Act authorised shall be deemed to have been authorised by the Act of 1886.

Land by agreement.

39. 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 five acres and the Company may erect on such lands such suitable buildings as they think necessary for the purposes of their undertaking but nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them on any land acquired under the powers of this section.

Restriction on taking houses of labouring class.

40. The Company shall not under the powers of this Act purchase or acquire without the consent of the Secretary of State for the Home Department in any parish in the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or without the consent of the Local Government Board in any urban sanitary district or in any parish or part of a parish not being within an urban sanitary district outside the metropolis ten or more houses which after the passing of this Act have been or on

the fifteenth day of December last were occupied either wholly or in part by persons belonging to the labouring class: A.D. 1891.

For the purposes of this section the expression "labouring class" includes mechanics artificers labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or 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.

41. The Company may from time to time enter into and carry into effect agreements with any vestry district board of works or other body having respectively the control or management of any streets or roads along which the tramways are intended to be laid with respect to the laying down maintaining renewing and repairing of the tramways and the rails plates sleepers and works connected therewith. Agreements between Company and local authorities.

42. 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 same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

43. 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 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 or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the paymaster-general for and on behalf of the supreme court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening any tramway by unforeseen Penalty imposed unless tramways opened within limited period.

[Ch. clxviii.] *Harrow Road and Paddington* [54 & 55 VICT.]
Tramways Act, 1891.

A.D. 1891. 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.

44. 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 High Court 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 if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred or any part thereof has been abandoned 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 and subject to such application shall be repaid to the Company.

Company to abandon portion of authorised lines.

Provision as to repayment of deposit fund under Act of 1886.

45. The Company shall abandon the construction of so much of Tramway No. 2 authorised by the Act of 1886 as has not been constructed.

46. Subject to the provisions of section 40 of the Act of 1886 relating to compensation to landowners and other persons injured and road authorities and for the protection of creditors the High Court may and shall at any time after the passing of this Act on application by the depositors referred to in that section order that the sum of one thousand six hundred and ninety pounds two and three-quarters per centum consolidated stock which now represents the deposit fund in that section mentioned or the balance thereof at

[54 & 55 VICT.] *Harrow Road and Paddington* [Ch. clxviii.]
Tramways Act, 1891.

the passing of this Act remaining deposited and the interest or dividends thereon shall be paid to the depositors and upon such order being made the said sum or the balance thereof and the interest or dividends thereon shall be paid accordingly. A.D. 1891.

47. 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 Act of 1886 authorised to demand and take with respect to the tramways by that Act authorised and sections forty-three to forty-nine (both inclusive) of the said Act 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. Extending to this Act sections of Act of 1886 as to tolls.

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. 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. 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 tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised to be taken by the Company. Provision as to general Tramway Acts.

51. 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. Costs of Act.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
88 and 90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

