



CHAPTER cxxvii.

An Act to confer further powers on the Whitechapel and Bow Railway Company and for other purposes.

A.D. 1900.

[30th July 1900.]

WHEREAS by the Whitechapel and Bow Railway Act 1897 (hereinafter called "the Act of 1897") the Whitechapel and Bow Railway Company (hereinafter referred to as "the Company") were incorporated and were authorised to construct a railway therein described (hereinafter referred to as "the railway") to connect the railways of the Metropolitan District Railway Company (hereinafter referred to as "the District Company") and the London Tilbury and Southend Railway Company (hereinafter referred to as "the Tilbury Company") :

60 & 61 Viet.
c. cclvii.

And whereas under the said Act the Company were authorised to raise £660,000 in sixty-six thousand shares of ten pounds each and to borrow in respect thereof not exceeding £220,000 :

And whereas by the said Act the Company on the one hand and the District Company and the Tilbury Company or either of those companies on the other hand were empowered to enter into agreements with respect to the maintenance management use and working of the railway and other matters incidental thereto :

And whereas the Company and the said two companies entered into an agreement with respect to these matters dated the 12th day of September 1898 of which a copy is set out in the Second Schedule to this Act and it is expedient that the same should be confirmed :

And whereas by the London Tilbury and Southend Railway Act 1898 the Tilbury Company were empowered as therein mentioned to subscribe such moneys as they might think fit towards the undertaking of the Company not exceeding in the whole one half of the authorised capital of the Company and provision was made with respect to the raising of such money and the Tilbury Company were authorised to subscribe for and hold debentures or

61 & 62 Viet.
c. clxxvi.

A.D. 1900. debenture stock of the Company not exceeding in the whole one half of the authorised debentures or debenture stock and to guarantee the payment of interest not exceeding the rate of four per cent. per annum upon the debentures or debenture stock of the Company :

61 & 62 Vict.
c. cclxi. And by the Whitechapel and Bow Railway Act 1898 similar powers were conferred upon the District Company :

And whereas it is expedient that certain of the provisions of the Act of 1897 with respect to the construction of works should be amended and that powers should be conferred on the Company as in this Act set forth :

And whereas it is expedient that the Company should be empowered to raise additional capital and that further powers with respect thereto should be conferred on the Tilbury Company and the District Company :

And whereas the powers of the Act of 1897 for the compulsory purchase of land will expire on the 6th day of August 1900 and the period limited by the said Act for the completion of the railway and works thereby authorised will expire on the 6th day of August 1902 and it is expedient that the said periods should be extended :

And whereas plans and sections of the works authorised by this Act and plans of the lands by this Act authorised to be taken and also books of reference 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 were duly deposited with the clerk of the peace for the county of London and are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes aforesaid cannot be effected 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) :—

Short title.

1. This Act may be cited as the Whitechapel and Bow Railway Act 1900.

Incorporation of
general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways

Clauses Act 1863, are subject to the provisions of and except A.D. 1900.
where varied by this Act incorporated with and form part of
this Act.

3. The clauses and provisions of the Companies Consolidation Act 1845 with respect to—

- The distribution of the capital of the Company into shares;
- The transfer or transmission of shares;
- The payment of subscriptions and the means of enforcing the payment of calls;
- The forfeiture of shares for non-payment of calls;
- The remedies of creditors of the Company against the shareholders;
- The borrowing of money by the Company on mortgage or bond;
- The conversion of the borrowed money into capital;
- The consolidation of the shares into stock;
- The general meetings of the Company and the exercise of the right of voting by the shareholders;
- The making of dividends;
- The giving of notices; and
- The provision to be made for affording access to the special Act by all parties interested;

and also Parts I. II. and III. of the Companies Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by subsequent Acts shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

Extending
certain
provisions of
Companies
Clauses
Acts.

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

Interpreta-
tion.

5. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Company may in connexion with the railway and works authorised by the Act of 1897 and notwithstanding anything contained in the said Act make the works and exercise the powers hereinafter described viz. :—

Execution of
works.

- (1) The Company may make a footbridge over the railway in the parish of Bromley St. Leonard between Arnold Road and the new road or diversion of road between Arnold Road

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and Mornington Road which they are authorised to make under the Act of 1897 and the said footbridge shall be in substitution for the subway referred to in section 8 of the Act of 1897 and the Company shall not make the said subway. The width of the said footbridge and of the steps of the northern approach thereto shall be not less than ten feet and the width of each flight of the steps on the double approach on the south side shall be not less than five feet and the Company shall light the footbridge and steps thereto to the reasonable satisfaction of the Poplar District Board of Works :

(2) The Company may construct the bridge carrying their railway over Campbell Road in the parish of Bromley St. Leonard so that so much of such bridge as is over the footpaths of that road shall have a headway of not less than nine feet above the surface of such footpaths respectively but the Company shall not reduce the headway of the portion of the bridge over the roadway of the said road to a less height than fourteen feet :

(3) The Company may in constructing their railway under Thomas Street in the parish of St. Mary Whitechapel alter and raise the level of the bridge carrying Thomas Street over the railway and over the Metropolitan District Railway and of the approaches to such bridge without being required to increase the present width of the bridge :

Provided, that nothing contained in this Act or shown on the deposited plans shall authorise the Company to alter or interfere with the subsoil of Durward Street but the Company may alter and raise the surface of the said street so far as may be necessary for making junctions with an adequate gradient between Durward Street and Thomas Street as proposed to be altered under the powers of the Act of 1897 as amended by this Act but so that the level of Thomas Street shall not be raised more than six inches above that authorised by the Act of 1897.

As to sub-
soil of streets
&c.

6. Where any part of the railway of the Company or works connected therewith will be situate in or under any street or road the Company may purchase and take by compulsion or agreement so much of the subsoil under such street or road as they may require for the purpose of constructing the said railway and works connected therewith or an easement or right to construct the said railway and works in or through such subsoil and shall not by reason thereof be required to purchase any lands or interest therein other than such subsoil or easement.

7. Subject to the provisions of this Act the Company may enter upon purchase and take such of the cellars described in the deposited books of reference under the numbers set out in the First Schedule to this Act as they may require for the purposes of the railway and works connected therewith And they may enter upon purchase and take and the owners of and other persons interested in any such cellar shall sell the same for the purposes of the railway and works and the purchase of any such cellar shall not in any case be deemed the purchase of a part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845 But nothing in this section contained nor any dealing with the cellars in pursuance of this section shall relieve the Company from liability to compensation under the 68th section of the Lands Clauses Consolidation Act 1845 and every case of compensation under this Act shall be determined according to the provisions contained in the Lands Clauses Acts.

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Appropriation of sub-soil and interference with cellars.

8. The provisions of section 17 (For the protection of the National Telephone Company) of the Act of 1897 shall extend and apply to the works by this Act authorised to the same extent and effect as if those works had been authorised by the Act of 1897.

Application of section 17 of Act of 1897 to this Act.

9. The following provisions for the protection of the North Metropolitan Railway and Canal Company (in this section called "the canal company") shall (unless otherwise agreed in writing between the Company and the canal company) be observed and have effect (that is to say) : —

For protection of North Metropolitan Railway and Canal Company.

Notwithstanding anything contained in the Whitechapel and Bow Railway Act 1897 the Company shall construct the railway thereby authorised where the same is intended to pass under the Regent's Canal of the Canal Company by means of two tubes or tunnels to be formed of steel iron brickwork or other suitable metal or material And the Company may purchase and take and the canal company shall sell or grant an easement or right of constructing maintaining and using such tunnels for their railway and works under the said canal together with all rights and easements necessary to the due use and enjoyment of the same Save as aforesaid the provisions in section 23 of the Whitechapel and Bow Railway Act 1897 for protection of the North Metropolitan Railway and Canal Company shall remain in full force and effect and shall so far as practicable apply to the works by this Act authorised.

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For protec-
tion of East
London
Waterworks
Company.

Incorporation of
sections of
Act of 1897.

As to certain
superfluous
lands.

10. Section 16 (For the protection of the East London Waterworks Company) of the Act of 1897 shall so far as the East London Waterworks Company are concerned extend and apply so far as applicable to the purposes of this Act and to the works executed under the powers hereby granted.

11. Sections 33, 34 and 40 and so far as it is applicable section 39 of the Act of 1897 shall apply to any work authorised by this Act as if those sections had been expressly re-enacted in this Act with reference thereto.

12. The following provisions shall apply to any lands buildings or hereditaments which may have been or may be acquired by the Company under the powers of the Act of 1897 or under the powers of this Act and which are not required to be used for the working or accommodation of the traffic of the undertaking of the Company and which the Company shall under their common seal declare to be not likely to be so required and the same lands buildings and hereditaments are in this section referred to as "the premises" and the premises shall not be subject to the provisions of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands:—

(1) The Company may from time to time sell and demise and otherwise dispose of any of the premises or any estate or easements therein now held or hereafter acquired by or in trust for them:

(2) The Company may hold and let the premises and may grant building and repairing leases of the same for any term they may think fit:

(3) The premises shall not be deemed part of the undertaking of the Company charged with the general mortgage debt or debenture stock thereof:

(4) The Company may from time to time borrow on mortgage of the premises or any part thereof any sums of money and the only security of the mortgagee shall be the said premises or the part thereof specially mentioned in his mortgage. Provided that nothing contained in this enactment shall be construed to alter any of the provisions contained in the special Acts relating to the Company or any agreement entered into by the Company which require the re-sale or re-conveyance of any of the premises to any person named in such provisions or agreement.

Confirmation
of agree-
ment.

13. The agreement as set forth in the Second Schedule to this Act between the Company and the District Company and the

Tilbury Company is hereby confirmed and made binding on those Companies and shall have effect as if it formed part of this Act. A.D. 1900.

14. Nothing in this Act or in the agreement set forth in the Second Schedule to this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is owned or worked by the District Company and the Tilbury Company as freely and fully in all respects as he was entitled to do before the passing of this Act. Saving for Postmaster-General.

15. The Company may apply towards the construction of the works by this Act authorised and other purposes of this Act any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise for the same purposes and for the general purposes of their undertaking any additional capital not exceeding in the whole three hundred thousand pounds by the issue at their option of new ordinary shares or stock which shares or stock shall form part of the general capital of the Company. Power to apply funds and raise additional capital.

16. The Company shall not issue any share or stock created under the authority of this Act nor shall any such share or stock vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share or stock shall have been paid in respect thereof. Shares or stock not to vest until one fifth part paid up.

17. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one hundred thousand pounds and of that sum they may from time to time borrow any sum not exceeding in the whole thirty-three thousand three hundred and thirty-three pounds in respect of each one hundred thousand pounds of the said additional capital but no part of any such sum of thirty-three thousand three hundred and thirty-three pounds shall be borrowed until shares for so much of the capital in respect of which it is to be borrowed as is to be raised Power to borrow.

A.D. 1900. — by means of shares are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of 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 in such portion of capital 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 such portion of the said 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 so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appoint-
ment of
receiver.

18. Section 54 of the Act of 1897 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment 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 undertaking 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 ten thousand pounds in the whole.

Debenture
stock.

19. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 55 of the Act of 1897.

Existing
mortgages
to have
priority.

20. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the

passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over the principal moneys secured by any mortgages granted by virtue of this Act. A.D. 1900.

21. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company being in each case purposes to which capital is properly applicable. Application of moneys.

22. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

23. The District Company and the Tilbury Company (hereinafter referred to as "the two companies") may respectively with the authority of three fourths of the votes of their shareholders present in person or by proxy at general meetings specially convened for the purpose subscribe for and hold any debentures or debenture stock of the Company issued under the powers of this Act not exceeding in the whole in the case of each of the two companies one half of such debentures or debenture stock and the two companies respectively may guarantee or join in guaranteeing the payment of interest not exceeding the rate of four per centum per annum upon any or any part of such debentures or debenture stock and the debentures or certificates of debenture stock issued by the Company to which the said guarantee may apply shall be marked or endorsed with a statement that they are so guaranteed. Power to District and Tilbury Companies to subscribe and guarantee.

The two companies may with the like authority subscribe for and hold shares or stock of the Company issued under the powers of this Act not exceeding in the case of each of the two companies one half of the capital of the Company by this Act authorised.

The two companies shall in respect of the sums to be subscribed and the corresponding shares or stock of the Company to be held by them have all the powers rights and privileges and be subject to all the obligations and liabilities of proprietors of shares or stock of the Company.

24. Neither of the two companies shall sell dispose of or transfer otherwise than to trustees for themselves respectively any shares or stock of the Company held by them. Transfer of shares or stock by two companies.

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Two com-
panies may
apply funds.

25. The two companies may respectively for all or any of the purposes of this Act apply their funds and revenues and any capital which they are respectively authorised to raise and which may not be required for the purposes for which it is authorised to be raised.

Creation of
capital by
District
Company.

26. The District Company may raise the amount of their subscription to the Company under the powers of this Act subject to the provisions of Part II. of the Companies Clauses Act 1863 by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the District Company or they may for the purpose of raising the same create and issue an additional amount of Metropolitan District (Bow Extension) guaranteed stock with the same priority and other rights and incidents as to dividends and otherwise as Metropolitan District (Bow Extension) guaranteed stock created and issued under section 6 of the Whitechapel and Bow Railway Act 1898 and the resolution of the Company passed pursuant thereto on the 29th September 1898 and in that case such additional stock shall for the purpose of charge and all other purposes be deemed to form part of the same guaranteed stock. Provided that the dividends to be attached to so much of the Metropolitan District (Bow Extension) guaranteed stock as shall be created and issued under the authority of this Act shall commence at and from such date as shall be fixed by the resolution creating the same and shall not exceed for the first year after such date two per centum per annum for the second year after such date three per centum per annum and for the third and every succeeding year after such date four per centum per annum.

Votes of
District and
Tilbury
Companies
at general
meetings.

27. The District Company and the Tilbury Company respectively whilst shareholders of the Company may by writing under their common seal from time to time respectively appoint some person to attend any meeting of the Company and each such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings and may vote thereat in respect of the capital of the Company held by the Company by whom they are appointed.

Quorum for
general
meetings.

28. The quorum to constitute a meeting (whether ordinary or extraordinary) of the Company shall so long as all the issued share capital is held by or in trust for the Tilbury Company and the District Company be the proxy appointed by the Tilbury

Company and the proxy appointed by the District Company and if the two proxies appointed by such companies or either of them shall not be present the meeting shall be adjourned to a time and place to be appointed by the secretary of the Company. A.D. 1900.

If at the time and place appointed for any meeting neither proxy or one proxy only be present the meeting shall stand adjourned for seven days and notice in writing shall be given by the secretary to the company or companies whose proxy was not present stating the time and place at which the adjourned meeting will be held and if at the time and place so appointed for the adjourned meeting the proxy appointed by one only of the two companies be present the business may be proceeded with and conducted by such proxy whose orders and directions with respect to the matters for which such meeting shall have been convened shall be recorded in the minute book and shall have the same force and effect as resolutions of the Company at a meeting duly convened.

29. The period limited by the Act of 1897 for the compulsory purchase of lands for the purposes of that Act is hereby extended until the sixth day of August one thousand nine hundred and two and the period limited by the said Act for the completion of the railway and works thereby authorised shall be extended until the sixth day of August one thousand nine hundred and four. Extension of time for purchase of lands and completion of works.

30.—(1) The powers conferred upon the Company by section 81 of the Act of 1897 are hereby extended and may be exercised by the Company up to the expiration of the period limited by this Act for the completion of the works by that Act authorised and the said section shall have effect as if the amount of the capital in respect of which such powers are conferred had included the amount of the share capital which the Company are authorised to raise under the powers of this Act and as if the maximum amount to be paid for interest were seventy-five thousand instead of fifty thousand pounds. Payment of interest out of capital.

(2) Save as hereinbefore set forth 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.

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Restriction
on taking
houses of
labouring
class.

31. The Company shall not under the powers of this Act purchase or acquire twenty or more houses in any district which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary of State for the Home Department twenty or more houses in any district which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" means mechanics artizans 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 of such persons who may be residing with them and the expression "house" means any tenement separately occupied by any person.

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

32. 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 railway or to execute any other work or undertaking.

Provision as
to general
Railway
Acts.

33. Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies 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 fares and charges or of the rates for small parcels.

Costs of
Act.

34. 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.

The SCHEDULES referred to in the foregoing Act. A.D. 1900.

THE FIRST SCHEDULE.

DESCRIBING CELLARS REFERRED TO IN SECTION 7.

Parish or Place.	Number on deposited Plans and in Book of Reference.	Description in Book of Reference.	Description of Portion to be taken.
Hamlet of Mile End Old Town.	2 3 4 & 5 -	Cellars -	So much of such cellars as is required for constructing the railway.

THE SECOND SCHEDULE.

ARTICLES OF AGREEMENT made the 12th day of September 1898 between THE WHITECHAPEL AND BOW RAILWAY COMPANY (hereinafter called "the Whitechapel Company") of the first part THE METROPOLITAN DISTRICT RAILWAY COMPANY (hereinafter called "the District Company") of the second part and THE LONDON TILBURY AND SOUTHEND RAILWAY COMPANY (hereinafter called "the Tilbury Company") of the third part.

WHEREAS by the Whitechapel and Bow Railway Act 1897 (hereinafter called "the Act of 1897") the Whitechapel Company were incorporated and authorised to construct a railway (hereinafter called "the new railway") about 2 miles 5·30 chains in length commencing by a junction with the Metropolitan District Railway at or near a point under the parapet wall on the east side of Vallance Road in the parish of Saint Mary Whitechapel and terminating by a junction with the London Tilbury and Southend Railway at a point at the western end of the bridge carrying that railway over the North London Railway to the east of Campbell Road and the Whitechapel Company were authorised to raise £660,000 in 66,000 shares of £10 each and subject to the provisions therein contained a sum not exceeding £220,000 by mortgage or in debenture stock:

And whereas by section 76 of the Act of 1897 the Company on the one hand and the District Company and Tilbury Company on the other hand were empowered subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and

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A.D. 1900. 1888 to enter into agreements with respect to the following purposes or any of them (that is to say) :—

The maintenance and management by the contracting companies or either of them of the railway of the Company or any part thereof and of the works connected therewith;

The use or working of the railway or of any part thereof and the conveyance of traffic thereon and the employment of officers and servants for the conduct of the traffic;

The supply and maintenance under any agreement for the railway being worked and used by the contracting companies or either of them of engines stock and plant necessary for and during the continuance of such agreement;

The regulation management and transmission of traffic and the collection division and apportionment of receipts and revenues arising from traffic upon or coming from or destined for the respective undertakings of the contracting companies;

The payments and allowances to be made and the conditions to be performed with respect to the matters aforesaid :

And whereas the new railway will form in connexion with the existing railways of the District Company and of the Tilbury Company (which two companies are hereinafter included in the expression "the working companies") a through route between the system of the Tilbury Company on the one hand and the city of London and places on and beyond the system of the District Company on the other hand between which there is at present no means of continuous railway communication :

And whereas by the Whitechapel and Bow Railway Act 1898 (hereinafter called "the Act of 1898") the District Company were authorised subject to the sanction of their shareholders being obtained as therein mentioned to subscribe for and hold debentures or debenture stock of the Whitechapel Company not exceeding in the whole one half of the authorised debentures or debenture stock of the Whitechapel Company and to guarantee or join with the Tilbury Company in guaranteeing interest thereon and also to subscribe for and hold shares or stock of the Whitechapel Company not exceeding one half of the authorised capital :

And whereas by the London Tilbury and Southend Railway Act 1898 the Tilbury Company were authorised subject to the sanction of their shareholders being obtained as therein mentioned to subscribe for and hold debentures or debenture stock of the Whitechapel Company not exceeding in the whole one half of the authorised debentures or debenture stock of the Whitechapel Company and to guarantee interest thereon and to subscribe for and hold shares or stock of the Whitechapel Company not exceeding one half the authorised capital :

And whereas by section 8 of the Act of 1898 it was enacted that with respect to the working and management of the Company's railway by the working companies certain provisions therein set forth (and incorporated in this agreement) should if so agreed between the working companies apply and have effect :

NOW IT IS HEREBY AGREED between the Whitechapel Company on the one hand and the working companies and each of them on the other hand

and so far as is necessary to carry into effect any of the provisions hereinafter contained between the District Company of the one part and the Tilbury Company of the other part as follows:— A.D. 1900.

1. Subject to the sanction of the respective shareholders of the District Company and the Tilbury Company being obtained under the hereinbefore mentioned Acts respectively (and so that the obligations of each company shall be conditional on both companies obtaining such sanction) the District Company and the Tilbury Company agree each to guarantee the due payment of the interest from time to time payable upon the debentures or debenture stock of the Whitechapel Company and each to subscribe for £330,000 of the share capital of the Whitechapel Company. Interest out of capital during construction of the new railway shall be paid by the Whitechapel Company pursuant to section 81 of the Act of 1897 on the capital respectively subscribed by the District Company and the Tilbury Company at the rate of 3 per centum per annum.

Construction.

2. The new railway shall be constructed in a substantial manner as a double line of railway with steel rails of 86 lbs. to the yard and with proper passenger stations sidings buildings junctions viaducts roads and works and with all proper station fittings and furniture ticket issuing and stock cases and weighing machines approaches telegraphs telegraph instruments signals turn-tables water-tanks and all other works and conveniences necessary or usually incident to the construction and completion of similar lines of railway and for one year after the due completion of the new railway as hereinafter mentioned the Whitechapel Company shall at their own cost maintain the same to the reasonable satisfaction of the working companies. The position of stations extent of accommodation and cost character and construction of the works shall be to the reasonable satisfaction of the engineers for the time being of the working companies or in case of any difference of opinion between them respecting the same such difference shall be referred to the decision of a competent neutral engineer to be named by the Board of Trade on the application of either party.

3. The Whitechapel Company shall supply to each of the working companies and to the Joint Committee hereinafter mentioned a set of the deposited plans and sections and book of reference and also all working plans and a copy of their agreements with other companies or persons.

4. Without prejudice to anything in the Act of 1897 contained the junctions of the new railway with the railways of the working companies shall be respectively formed with their incidental signals and signal and point apparatus and block or electrical apparatus by the working company with whose lines such junction is formed at the expense of the Whitechapel Company within the limits respectively authorised by the Act of 1897 and the details incidental to the same junctions respectively and the exact points and mode of forming the same junctions shall be fixed by such working company but subject to and so as to receive the approval of the Board of Trade. The amount due to the working company from the Whitechapel Company for any work done under this clause shall be such a sum as the chief engineer for the time being of the working company executing the work shall certify to be due in respect thereof or as in case of difference shall be determined by

A.D. 1900. — arbitration as hereinafter provided and the amount so certified or determined shall be paid by the Whitechapel Company.

Working and Management.

5. From and after the due completion of the new railway (of which the sanction of the Board of Trade to its use for public traffic shall be the evidence) the working companies shall at their own expense work and maintain the new railway and shall pay all outgoings of every kind in respect thereof except in respect of such maintenance during the first year as they shall require the Whitechapel Company to do under this agreement.

Details of Working.

6. The working companies shall so work over and use the new railway as fully to develop the same in the same manner as if it formed a part of their respective systems of railway.

7. The working companies shall have equal rights each with the other in all respects as to working over and using and subject to the terms of this agreement may respectively work over and use the new railway and the works stations and conveniences thereof and no advantage shall be given to either working company to the prejudice of the other.

8. The working companies shall if they so agree but not otherwise be at liberty to admit to the use of the new railway or any part thereof any other railway company or companies and to construct or permit such other company or companies to construct any coal or goods depôts sidings and other works in connexion with the new railway which they may think fit and for these purposes may exercise all powers of the Whitechapel Company and any contribution rent bonus or rebate made paid or allowed by such other company or companies shall be received by the working companies and be paid into the Whitechapel and Bow joint working account hereinafter mentioned.

Provisions as to Working and Management agreed between the Working Companies under the Act of 1898.

9. The working companies shall appoint a joint committee who shall have the working maintenance and management of the railway from and after the completion thereof in pursuance of this agreement.

10. Such committee shall consist of six members (who may be the same persons as the directors of the Whitechapel Company) three to be nominated by the board of each of the working companies and on any division on the committee the representatives or representative present of each of the working companies shall have only one vote in all and the chairman shall not have a casting vote.

11. Every such nomination shall be made in writing under the seal of the District Company or the Tilbury Company as the case may be and shall be deposited with the Secretary of the Company and may in like manner be revoked and renewed.

12. Every person so to be nominated by the District Company or Tilbury Company shall enter upon office immediately upon his appointment and shall remain in office until his appointment be revoked or until he die or resign and such person need not be a shareholder in the Whitechapel Company.

A.D. 1900.

13. The joint committee shall regulate its own procedure and any difference arising between the representatives of the working companies shall be determined by a standing arbitrator to be nominated at any time by the joint committee at the request of any member or failing such nomination to be appointed upon the application of any member of the joint committee by the High Court.

14. The standing arbitrator may at any time on the application of any member of the joint committee convene a special meeting of the joint committee giving to each member thereof not less than six days notice of any such meeting and for the purpose of any such special meeting the standing arbitrator may decide that the members present constitute a quorum in the absence of any reasonable excuse by the absent member or members for non-attendance.

15. The joint committee shall receive all the rents tolls rates and charges and all other the revenue arising on the railway and shall cause an account to be opened to be called the Whitechapel and Bow joint working account or by some similar name which shall be credited with the entire gross revenue of the railway including the proportion attributable to the railway in respect of through coaching and merchandise traffic (whether booked or carried by the working companies or by other companies) passing over the railway or on to or from any part thereof Provided that before calculating the proportion attributable to the railway there shall be deducted from the gross receipts of such through traffic the proportions paid or due to be paid to other companies including any railway clearing house terminals payable to other companies or to either of the working companies.

16. The moneys credited to the said account shall be applied—

Firstly to paying the land tax tithe rentcharges and other rent-charges (if any) affecting the railway and the salaries charges and expenses incident to the working control management maintenance and repair of the railway and works including such allowance for train or running expenses to the company working the traffic as may be agreed upon or failing agreement as may be settled by the standing arbitrator ;

Secondly to paying the interest on the debentures or debenture stock of the Company at a rate not exceeding four per centum per annum ;

Thirdly to paying such necessary expenses of administration of the Company as may be agreed to by the working companies ; and

Fourthly to paying the remuneration of the joint committee and standing arbitrator :

And the residue of such moneys shall be divided and paid by half-yearly payments as to one half to the District Company and as to the other half to the Tilbury Company.

If the moneys credited to the said account shall be insufficient in any half-year for the purpose of meeting the payments provided for by this section the deficiency shall be borne by the working companies in equal moieties and shall be payable by them upon demand in writing thereof by the joint committee.

A.D. 1900.

Fares and Rates and the Apportionment thereof.

17. The expression "through traffic" means all traffic passing to or from the railways of either of the working companies or beyond from or to or over the new railway or beyond :

The expression "local traffic" means traffic arising and ending at or between Whitechapel Station and Bromley Station.

18. The tolls rates and charges to be demanded and taken in respect of local traffic shall from time to time be fixed by the joint committee but each of the working companies shall be free to fix its fares and rates for all through traffic between its own railway and the new railway.

19. Through bookings shall be established via the new railway between stations on the respective systems of the working companies at fares and rates to be from time to time agreed or failing agreement to be fixed by the standing arbitrator of the joint committee and in fixing such fares and rates regard shall be had not only to the local fares and rates for the time being in operation on the respective lines over which the traffic is carried but also to the full development of traffic of all kinds between the systems of the working companies.

20.—(1) Fares and rates for traffic between stations on the new railway and Whitechapel Station on the one hand and Bromley Station on the other hand shall be apportioned between the new railway and the railway of the respective working company over whose railway the traffic passes on a chainage apportionment.

(2) Through fares and rates between the stations on the system of the District Company and stations on the new railway (including Bromley Station) shall be apportioned by chainage.

(3) Through fares and rates between Whitechapel Station or any station on the new railway on the one hand and any station on the system of the Tilbury Company (other than Bromley Station) on the other hand shall be apportioned in ratio to the local fares and rates in operation between Whitechapel Station or any station on the new railway and Bromley Station on the one hand and Bromley Station and the stations on the system of the Tilbury Company on the other hand. The proportions thus ascertained to be due in respect of the transit between Whitechapel Station or any station on the new railway and Bromley Station shall be subdivided on a chainage apportionment.

(4) Through fares and rates between stations on the system of the District Company and stations on the system of the Tilbury Company (other than Bromley Station) shall be apportioned in the ratio of the fares and rates from time to time in operation between stations on the system of the District Company and Bromley Station on the one hand and between Bromley Station and the stations on the system of the Tilbury Company on the other hand. The proportions thus ascertained to be due in respect of the transit between stations on the system of the District Company and Bromley Station shall be subdivided on a chainage apportionment.

(5) In apportioning rates and charges for through merchandise traffic regard shall be had to the special charges and mileage allowances granted by section 70 of the Act of 1897.

[63 & 64 VICT.] *Whitechapel and Bow Railway* [Ch. cxxvii.]
Act, 1900.

(6) The accounts of the traffic booked through and interchanged between the working companies or viâ their respective systems shall be settled monthly through the railway clearing house. A.D. 1900.

Running Powers.

21. The Tilbury Company may exercise running powers into the Whitechapel Station of the District Company The District Company may exercise running powers into the Bromley Station of the Tilbury Company The terms and conditions upon which such running powers may be exercised shall in case of difference be settled by an arbitrator to be appointed on the application of either company by the Board of Trade.

22. This agreement is subject to confirmation by the shareholders of the respective companies parties hereto.

IN WITNESS whereof the said companies have hereto affixed their respective common seals the day and year first above written.

The common seal of the Whitechapel and Bow Railway
Company was hereunto affixed in the presence of
LEWIS H. ISAACS.



Sealed with the common seal of the Metropolitan
District Railway Company in the presence of
WM. JONES
Secretary.



The common seal of the London Tilbury and Southend
Railway Company was hereunto affixed in the
presence of
H. CECIL NEWTON
Secretary.



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