



CHAPTER clxxv.

An Act to authorise the Empire Electric Light and Power Company Limited to construct tramways in Romford and the adjoining districts in the county of Essex and for other purposes. A.D. 1903.
[11th August 1903.]

WHEREAS the construction of the tramways which are herein after described will be of public and local advantage :

And whereas the Empire Electric Light and Power Company Limited (hereinafter called "the Company") are willing at their own expense to construct the said tramways and it is expedient that powers be conferred upon them for that purpose :

And whereas it is expedient that the Company be authorised to purchase lands compulsorily and to exercise the other powers hereinafter contained :

And whereas the council for the urban district of Romford in the county of Essex are by the Romford Electric Lighting Order 1900 authorised to supply electricity within the said urban district :

And whereas the said urban district council and the Company have entered into an indenture dated the twentieth day of April one thousand nine hundred and three for the transfer to the Company of the undertaking powers rights and privileges of the said council under the said Order and it is expedient that such indenture as set forth in the Second Schedule to this Act be confirmed and that provision be made as hereinafter contained with respect to such transfer :

And whereas plans and sections showing the situation lines and levels of the tramways by this Act authorised such plans showing the lands to be taken compulsorily under the powers of this Act and a book of reference to those plans containing the names of the

A.D. 1903. owners or reputed owners and lessees or reputed lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the county of Essex and are in this Act referred to respectively as “the deposited plans sections and book of reference” :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King’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 for all purposes as the Romford and District Tramways Act 1903.

Incorporation of Acts. **2.** The Lands Clauses Acts and section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation. **3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction :

“The tramways” and “the undertaking” mean respectively the tramways and the undertaking by this Act authorised ;

“Engine” includes motor ;

“The Romford Council” means the council for the urban district of Romford in the county of Essex :

And in this Act and for the purposes of this Act in the Tramways Act 1870 the expression “local authority” shall mean with reference to a rural district the district council of that district.

Correction of errors &c. in deposited plans and book of reference. **4.** If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or specified in the deposited book of reference the Company after giving ten days’ notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Essex for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited

with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the clerk to the council of the urban district of Romford and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

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5. Subject to the provisions of this Act the Company may make form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections the tramways hereinafter described with all proper rails plates sleepers stables offices carriage houses works and conveniences connected therewith.

Power to
make tram-
ways.

The tramways hereinbefore referred to and authorised by this Act are situate in the county of Essex and are—

A Tramway (No. 1) (2 miles 3 furlongs and 8·3 chains or thereabouts in length of which 2 miles and 4·3 chains are single and 3 furlongs and 4 chains are double line) commencing in the portion of the main road from London to Chelmsford which is known as the Romford Road and terminating in the urban district of Romford in the portion of the said main road known there as Market Place at a point 1 furlong 4·6 chains or thereabouts east of the junction of South Street with that part of the said main road known there as High Street Romford :

A Tramway (No. 2) (6 furlongs and 6·75 chains or thereabouts in length of which 5 furlongs and 7·75 chains are single and 9 chains are double line) situate wholly in the urban district of Romford commencing by a junction with Tramway No. 1 at its termination and terminating in the said main road at the junction with that road of the lane known as Smart's Lane or Balgores Lane :

A Tramway (No. 3) (4 furlongs and 6·25 chains or thereabouts in length of which 3 furlongs and 7·75 chains are single and 8·5 chains are double line) situate wholly in the urban district of Romford commencing in High Street aforesaid by a junction with Tramway No. 1 at a point 0·75 chain or thereabouts west of the junction of South Street with High Street and terminating in the Oldchurch Road at a point 6 chains or thereabouts west of the junction of Oldchurch Road with Hornchurch Road :

A.D. 1903. — A Tramway (No. 4) (single line 1·2 chains or thereabouts in length) situate wholly in the urban district of Romford commencing in the Market Place aforesaid by a junction with Tramway No. 1 at a point 0·75 chain or thereabouts east of the junction of South Street and High Street and terminating in South Street by a junction with Tramway No. 3 at a point 0·6 chain or thereabouts south of the junction of South Street with High Street :

Provided that no part of the Tramway No. 1 shall without the written application consent and approval in writing of the council for the urban district of Ilford be constructed within that district Provided further that in constructing the tramway along South Street Romford opposite the post office situate in that street no rail shall be so laid that a less space than nine feet six inches will intervene between it and the outside of the footpath on the side of the road on which such post office abuts.

As to widening in High Street.

6. Before opening for public traffic any portion of Tramway No. 1 which will be laid in any part of High Street the carriage-way of which is less than twenty-four feet in width the Company shall widen the said portion of street so that the carriage-way thereof shall be of a width of not less than twenty-four feet between the kerbs and the footways of a width not less than that of the footways now existing in such portion of street.

As to widening in South Street.

7. Before opening for public traffic the portions of the Tramways Nos. 3 and 4 which will be laid in any part of South Street the carriage-way of which is less than twenty-four feet in width other than the portion under the bridge carrying the railway of the Great Eastern Railway Company over the said street the Company shall widen such portions of street so that the carriage-way thereof shall be of a width of not less than twenty-four feet between the kerbs and the footways of a width not less than that of the footways now existing in the part of South Street so widened Provided that if the widening is made on the west side of the street the existing width of the footway of Bank Parade may be reduced to eight feet.

Security.

8. The powers conferred by this Act shall not be exercised unless within two years from the passing of this Act the Company have raised and invested in such manner that it can be applied for the acquisition of the property involved in the widenings in High Street and in South Street and for the construction of the works by

this Act authorised to the satisfaction of the Board of Trade a sum of fifty thousand pounds. A.D. 1903.

9. Subject to the provisions of this Act the Company may enter upon take hold and use the lands in the parish and urban district of Romford described in the First Schedule to this Act and may erect maintain and use on such lands a station or stations for producing and generating transforming storing transmitting applying and distributing electrical energy or power with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may produce generate transform store transmit use apply and distribute such energy or power accordingly.

Power to take lands and erect generating stations thereon.

10. The Company shall not under the powers of this Act purchase or acquire ten or more houses 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 Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

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 Local Government Board 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 word "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans 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.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest)

Power to owners to grant easements &c.

A.D. 1903. required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

As to electrical works &c.

12.—(1) The Company may construct lay down erect maintain renew and repair on in under or over the surface of the streets or roads (including footways) in which the tramways will be situate or in which it may be necessary so to do in order to form connections between such tramways and any generating station and on in under or over any lands acquired by the Company cables electric mains wires conductors posts tubes boxes apparatus and appliances and may make and maintain openings and ways for the purpose of working the tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided that all posts erected by the Company under the powers of this Act in any street or road (including footways) above the level of the surface thereof shall be of such design and shall be placed in such position as shall be reasonably approved by the road authority for the district in which such posts are erected.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

Power to attach brackets &c. to buildings.

13. The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by electrical power Provided that—

(1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :

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(3) The owner may require the Company to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purposes of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

14. The tramways shall be constructed on a gauge of four feet eight and a half inches but carriages or trucks adapted to run on railways shall not be run thereon.

Gauge of tramways.

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

Inspection by Board of Trade.

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

As to rails of tramways.

17. The materials with which and the manner in which any portion of the road which under section 28 of the Tramways Act 1870 the Company are liable to maintain and keep in good condition and repair shall be maintained and kept in good condition and repair shall be such as may be agreed between the road authority and the Company or in case of difference between them as may be determined by the Board of Trade on the application of either party.

Repair of part of road where tramway is laid.

18. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Company shall

Further provisions as to construction of tramways.

A.D. 1903. not commence the construction laying down maintenance or 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 of the road authority as provided by section 26 of the said Act.

Penalty for not maintaining rails in proper order.

19. 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 28 of the Tramways Act 1870 as modified by this Act they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 as modified by this Act the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of roads.

20. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid 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.

Application of road materials excavated in construction of works.

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

maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor 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 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 settled by a referee to be nominated by the Board of Trade on the application of either party.

22. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Company shall and they are hereby required to construct a crossover or crossovers connecting the one tramway with the other and by the means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

Crossovers to be constructed in certain cases.

23.—(1) The Company may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such crossovers 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 carriage or engine houses warehouses goods sheds stables or works of the Company or for forming junctions with any tramways of the council for the urban district of Ilford or with any tramways or light railways of or leased to run over worked or used by the Company which may be situate in any street or road in which the tramways are authorised to be laid or which intersects or joins such street or road.

Power to make additional crossovers and to double tramway lines.

(2) Notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade lay

A.D. 1903. — down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time the road in which the same or any part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company may with the like consent construct such tramway or any part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one third of such premises shall by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Temporary tramways may be made when necessary.

24. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriage-way of which any of the tramways are or is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent of the road authority and subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued.

If any difference arises between the Company and the road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

Company may reduce footpath for

25. The Company may with the consent of the road authority increase the roadway of any road in which any of the tramways

are authorised to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such road and the nearest rail of the tramway by reducing the width of the footpath on each or either side of such road. Provided that no footpath be so reduced in width as to be less than six feet wide.

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tramway.

26. The sanitary 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 sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

Sanitary
authority to
have access
to sewers.

27. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for
compulsory
purchase of
lands.

28. If the tramways are not completed within four years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

Period for
completion
of tramways.

29. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of one thousand three hundred and one pounds twelve shillings and threepence being equal in value to five per centum upon the amount of the estimate in respect of the tramways has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramways the deposit fund shall be applicable and shall be applied as provided by the next

Deposit
money not to
be repaid ex-
cept so far as
tramways
are opened.

A.D. 1903. following section Provided that if within such period as aforesaid
— the Company open any portion of the tramways for the public conveyance of passengers then on the production of, a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

30. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be retransferred to the depositors Provided that until the deposit fund has been retransferred to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall as and when the same shall become payable be paid to or on the application of the depositors.

31. The carriages used on the tramways may be moved by animal power or subject to the following provisions by electrical power (that is to say) :—

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Provisions as
to motive
power.

(1) The electrical power shall not be used except with the consent of and according to a system approved by the Board of Trade :

(2) The Board of Trade shall make regulations (in this Act referred to as “the Board of Trade regulations”) for securing to the public all reasonable protection against danger arising from the use under this Act of electrical power on the tramways and for regulating the use of such power :

(3) The Company or any other company or person using electrical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :

(4) The Board of Trade if they are of opinion--

(A) That the Company or such other company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(B) That the use of electrical power as authorised under this Act is a danger to the passengers or the public ;
may by order either direct the Company or such other company or person to cease to use such electrical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

32. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which electrical power may be used for all or any of the following purposes (that is to say) :—

Byelaws.

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages :

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For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Recovery of penalties.

33. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Amendment of Tramways Act 1870 as to byelaws by local authority.

34. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations.

Orders &c. of Board of Trade.

35. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

For protection of Postmaster-General.

36.—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraph line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of the tramways being worked by electricity or of electrical power being under the powers of this Act supplied by the Company the following provisions shall have effect :—

(1) The Company shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines

from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3)—(A) Before any electric line is laid down or any act or work for working the tramways by electricity or for the supply of electrical power is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work :

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

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of any works forming part or used for the purposes of the tramway undertaking of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is

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being generated by the Company for tramway purposes at any such works enter thereon for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of any work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the

Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act : A.D. 1903.

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :

(12) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on the tramways.

37. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :— Special provisions as to use of electrical power.

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Company shall be deemed to take all reasonable precautions against interference with the working of any such wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board

A.D. 1903.

of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Company and any other party with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (7) The expression " Company " in this section shall include licencees and any person owning working or running carriages over any of the tramways.

Rates for passengers.

38. The Company may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge less than one penny.

Passengers' luggage.

39. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Company may carry animals goods and other things.

40. The tramways may be used for the carriage of passengers animals goods minerals articles and things but the Company shall not be bound to carry animals goods minerals articles or things other than personal luggage as aforesaid carried by passengers and not exceeding twenty-eight pounds in weight.

A.D. 1903.
Rates for
animals
goods &c.

41. The Company may demand and take in respect of any animals goods minerals parcels articles or things conveyed by them on the tramways including every expense incidental to such conveyance (except a reasonable sum for loading or unloading and for delivery and collection of goods minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Company) any rates or charges not exceeding the rates per mile following:—

In respect of animals conveyed on the tramways—

For every horse mule or other beast of draught or burden fourpence ;

For every ox cow bull or head of cattle threepence ;

For every calf pig sheep or small animal one penny halfpenny :

In respect of goods conveyed on the tramways—

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton twopence ;

For all iron ironstone iron ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway tramroad or tramway chairs and plates per ton twopence halfpenny ;

For all sugar grain corn flour hides dye-woods timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton threepence ;

For cotton wools drugs manufactured goods earthenware and all other wares merchandise fish vegetables and all other articles matters or things not otherwise specially classed herein per ton fourpence ;

For every carriage of whatever description one shilling.

42. With respect to small parcels and single articles of great weight notwithstanding anything in this Act the Company may demand and take any rates and charges not exceeding the following (that is to say) :—

Rates for
small parcels
and single
articles of
great weight.

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;

A.D 1903.

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence ;

For any parcel exceeding fifty-six pounds and not exceeding five hundred pounds such sum as the Company may think fit ;

Provided that no parcel under fifty-six pounds in weight exceed four feet in length or measure more than twelve cubic feet Provided also that articles sent in large aggregate quantities although made up in separate parcels (such as bags of sugar coffee meal and the like) shall not be deemed small parcels but that term shall apply only to single parcels in separate packages ;

For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton per mile ;

For the carriage of any single piece of timber stone or machinery or other single article the weight of which including the carriage exceeds eight tons such sum as the Company may think fit.

Regulations
as to rates
on tram-
ways.

43. For animals goods minerals articles or things conveyed on the tramways for a less distance than two miles the Company may demand rates and charges as for two miles ;

A fraction of a mile shall be deemed a mile ;

For a fraction of a ton (except in the case of small parcels) the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton ;

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight ;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity ;

With respect to bulky articles of goods the Company shall have the option of charging per ton measurement reckoning at the rate of fifty cubic feet to the ton.

44.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and Bank holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Company in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

A.D. 1903.
Cheap fares
for labouring
classes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

45. The Company shall not take or demand on Sunday or on any public holiday any higher fares for passengers travelling on the tramways than those levied by them on ordinary week days.

Prohibiting
raising of fares
on Sundays
and holidays.

46. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or

Periodical
revision of
rates and
charges.

A.D. 1903. — charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

Purchase of undertaking. **47.** Section 43 of the Tramways Act 1870 shall in its application to the undertaking and to the Company in relation thereto be modified as follows:—

(1) The period of forty years shall be substituted for the period of twenty-one years mentioned in the said section 43 of the Tramways Act 1870 :

(2) If the Romford Council purchase the portion of the undertaking which is situate within the urban district of Romford and obtain the consent under seal of any other local authority in whose district any other portion of the undertaking is situate they may give notice to the Company requiring the Company to sell to them such other portion of the undertaking and the provisions of section 43 of the Tramways Act as amended by this Act shall apply accordingly as if the said council were the local authority for the district in which such portion of the undertaking is situate :

Provided that from and after such purchase the provisions of the said section 43 of the Tramways Act 1870 shall apply to any such portion of the undertaking in the hands of the said council and for the purposes of such application the expression therein “the promoters of a tramway” shall mean the said council :

(3) If the Romford Council do not acquire the whole of the undertaking under the provisions hereinbefore contained the terms upon which the local authority of any district in which any portion of the undertaking not acquired by the said council may be situate may require the Company to sell such portion of the undertaking shall be the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase.

For protection of Romford Urban District Council.

48. Notwithstanding anything in this Act contained the following provisions shall have effect for the benefit and protection of the Romford Council (that is to say) :—

(1) In this section the expression “the district” means the urban district of Romford in the county of Essex and “the Romford tramways” means such of the tramways as are within the district :

- (2) If in order to carry out the widening of the portion of the High Street between the Romford Arms and the Salvation Army Barracks it becomes necessary to disturb or interfere with any footway the Company shall so provide that such footway shall be of a width throughout of not less than eight feet :
- (3) Plans to a scale of not less than one inch to forty-four feet with drawings and specifications of the works comprised in any widening to be carried out by the Company shall be delivered to the Romford Council twenty-one days before the commencement of any such widening and such works shall not be proceeded with until such plans drawings and specifications have been approved by the Romford Council (which approval shall not be unreasonably withheld) Provided that if the Romford Council do not signify their approval or disapproval within twenty-one days of the receipt of such plans and other particulars they shall be deemed to have approved thereof :
- (4) Such widenings shall be carried out and completed in accordance with the plans drawings and specifications so approved as aforesaid or settled and under the superintendence and to the reasonable satisfaction of the surveyor to the Romford Council :
- (5) The Company at the time of giving notice to the Romford Council of their intention to open or break up any road for the purpose of laying down any of the Romford tramways in addition to the obligations imposed upon them by section 26 of the Tramways Act 1870 shall submit to the Romford Council a copy of the plan showing the proposed mode of constructing laying down and maintaining such tramways and of the statement of the materials to be used therein which they are by this Act required to submit to the Board of Trade and the Romford Council shall be entitled to make such representations to the Board of Trade on the subject of such plan and statement as they see fit :
- (6) If the Romford tramways pass over or interfere with any manhole sewer or pipe which in the opinion of the Romford Council it would be dangerous or inconvenient to retain in its position under such tramways the Company shall if required by the Romford Council at their own expense take up such manhole sewer or pipe and relay or replace the same to the reasonable satisfaction of the surveyor to the

A.D. 1903.

Romford Council in a part of the road not occupied by such tramways :

- (7) Any additional expense to which the Romford Council may be put by reason of the construction of the Romford tramways in obtaining access to their sewers or otherwise in exercise of the powers conferred upon them by the Tramways Act 1870 or by this Act shall be borne by the Company :
- (8) Opposite and for a distance of ten yards on both sides of existing churches chapels schools and other buildings habitually used for public meetings on any of the roads along which the Romford tramways are laid the entire width of the roadway shall be paved with hard wood blocks and maintained and repaired by the Company :
- (9) Where the Company have opened or broken up any road or any portion of any road in the district they shall in addition to the obligations imposed upon them by section 27 of the Tramways Act 1870 restore the same to a good and proper condition to the satisfaction of the Romford Council without reference to its previous condition :
- (10) The Company shall pave with such materials as the Romford Council shall approve the portion of the roadways repairable by the Company under the provisions of section 28 of the Tramways Act 1870 or this section and subject thereto the provisions of the said section 28 shall apply to the repair of such portion of the roadways :
- (11) Any surplus paving metalling or material excavated by the Company in the construction of the Romford tramways or the exercise of the powers of this Act from any roads within the district which the Company are under the provisions of this Act required to deliver to the surveyor to the Romford Council shall be so delivered at such places within the district as the Romford Council shall require :
- (12) The Company shall indemnify the Romford Council against any loss which the Romford Council may sustain by reason of any non-payment of county contributions towards the maintenance of roads within the district during the financial years or parts of years in which the Romford tramways and the works connected therewith shall be in course of construction The indemnity provided for by this subsection shall extend to and include not only the amount

of county contributions unpaid but also all costs and expenses of the Romford Council of and incidental to the recovery or attempted recovery by the Romford Council by legal proceedings or otherwise of such county contributions or any part thereof. But no such proceedings shall be taken unless and until the Company shall have made default in payment to the Romford Council of the amount of such loss for one calendar month after particulars thereof in writing shall have been given to the Company by the Romford Council :

- (13) The Romford Council shall upon giving not less than fourteen days' notice to the Company of their desire so to do be entitled to use any posts standards or brackets of the Company erected in the streets within the district for the support of any electric lamps or wires for street lighting or for the support of fire alarms name plates or street indicators. Provided that in the exercise of the powers of this subsection no avoidable damage shall be caused to such posts standards or brackets and no obstruction or interference shall be caused to or with the working by the Company of their undertaking and if the Romford Council occasion any damage in the exercise of the powers of this subsection they shall pay compensation to the Company the amount thereof to be determined in default of agreement by arbitration as hereinafter provided :
- (14) No advertisement shall be displayed upon any such posts standards or brackets or affixed to the property of the Company in any street within the district except advertisements relating to the working and use of the Romford tramways :
- (15) The Company shall not use the Romford tramways for the conveyance of animals minerals or goods except under regulations to be approved by the Romford Council :
- (16) Trailer cars shall not be used within the district and the Company shall not work the Romford tramways otherwise than by electrical power except that in case of emergency animal power may be used :
- (17) The car gongs to be used within the district shall be subject to the approval of the Romford Council before adoption and the Company shall arrange with the Romford Council as to making regulations for controlling the sounding

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of the car gongs while passing places of worship during hours of divine service :

- (18) The Company shall comply with the reasonable requirements of the Romford Council with respect to stopping places for cars running within the district and make such changes as may from time to time be required :
- (19) If the Company at any time find it necessary or desirable to remove snow or other matter from the tram lines they shall remove it to the side of the road but not so as to impede or obstruct the drainage or ordinary traffic on the road and the Company shall not use salt or any other unsuitable material for thawing the snow on the road Provided that any snow or other matter so removed by the Company from the Romford tramways shall not be allowed to remain on the road but shall at once be taken away by the Company and in default the Romford Council shall be at liberty to take away such snow or other matter and recover the costs thereof from the Company :
- (20) The Romford Council may at any time between the hours of twelve at night and five in the morning use the Romford tramways or any of them for the removal of night soil house refuse and snow and for conveyance of scavenging stuff road metal and other material free of all charges and the Romford Council may form junctions and connections between such tramways and any depôts yards or works of the Romford Council Provided that in the construction of any such junction or connection no damage shall be done to the Romford tramways and the Romford Council shall have first submitted to the Company plans showing such junctions or connections and the mode of constructing the same Provided also that the Romford Council shall not save by agreement with the Company be entitled to use or employ for such purposes any carriages trucks horses electric current or other motive power or officers or servants of the Company And provided further that the Romford Council shall indemnify the Company against any damage to the permanent way by such use as aforesaid :
- (21) All consents approvals requisitions certificates and notices by this section required to be given by or obtained from the Romford Council shall (unless otherwise provided by this section) be in writing signed by the clerk to the Romford Council and all notices required by this section to be given

by the Romford Council to the Company shall be sufficiently served if left at the registered office of the Company or posted in a letter addressed to the Company at such office : A.D. 1903.

- (22) If any dispute or difference shall arise between the Romford Council and the Company concerning any matter or thing contained or referred to in this section such dispute or difference shall be referred to an arbitrator to be agreed on between the parties or in default of agreement to be appointed on the application of either party by the Board of Trade.

49.—(1) The Company shall notwithstanding anything contained in this Act or shown on the deposited plans prior to or concurrently with the construction of the tramways and so far as the same are laid on main roads under the direct control of the county council of Essex at their own expense widen such roads so that they shall not be less than forty feet in width throughout and fifty feet if and when the Company construct a double line of rails but this provision shall not apply to those portions of the roads where it would be necessary in order to effect such widening to acquire permanent brick buildings erected on the side thereof. For protection of county council of Essex.

(2) The land added to the roads by such widening shall be made up metalled and completed at the expense of the Company and to the reasonable satisfaction of the said county council.

(3) As soon as the widenings above mentioned have been completed the portions of land added to the roads shall be considered as dedicated to the public for highway purposes and shall thereafter in all respects form part of the public highway.

(4) If any difference arises under this section between the Company and the said county council that difference shall be settled in accordance with the provisions of section 33 of the Tramways Act 1870.

50. In constructing and maintaining the Tramway No. 3 where the same is intended to pass under the railway bridge of the Great Eastern Railway Company (hereinafter called “the Great Eastern Company”) and in front of the entrances to the Romford passenger and goods stations of the Great Eastern Company the following provisions shall have full force and effect and be binding upon the Company :— For protection of Great Eastern Railway Company.

- (1) The Company shall not in any way vary alter or interfere with the structure of the said bridge and shall not injuriously affect the same and in the event of any injury being occasioned

A.D. 1903.

to such bridge the Great Eastern Company may make good the injury and may recover from the Company the expenses of so doing as a simple contract debt :

- (2) The Company shall give to the Great Eastern Company twenty-one days' notice in writing of their intention to commence any works under upon or in connection with the said bridge and within thirty yards on either side thereof and shall at the same time send to the Great Eastern Company sufficient plans sections and specifications and other information to show the nature of such works and such works shall be constructed under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Eastern Company and so as not in any way to interfere with the traffic on any railways of the Great Eastern Company or with the traffic to and from the said passenger and goods stations of the Great Eastern Company :
- (3) In the event of any of the tramways being worked by electrical power on the overhead system no stays posts wires or other apparatus shall without the previous consent in writing of the Great Eastern Company be attached to any building or other work of that company except that the Company may with the consent of the Great Eastern Company (which consent shall not be unreasonably withheld) attach a bracket or brackets to the said bridge :
- (4) In the event of the Great Eastern Company altering or reconstructing the said bridge the Company shall at their own expense as often as occasion shall require remove and refix all such brackets of the Company as aforesaid as may be necessary under the superintendence and to the satisfaction of the said principal engineer :
- (5) If and whenever it shall be necessary for effecting any repairs to the said bridge that the working or user of the tramway under the same shall be temporarily stopped or delayed it shall be lawful for the Great Eastern Company by seven clear days' notice in writing (except in case of emergency when one day's notice will be sufficient) to require such stoppage or delay but only for so long as may be absolutely necessary for effecting such repairs and without the Great Eastern Company being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any manner relating thereto :

- (6) If and whenever the Great Eastern Company shall require to repair or paint the said bridge the Company shall in order to ensure the safety of the workmen employed in such repairing or painting adopt reasonable means of protection for such workmen from injury :
- (7) With respect to Tramway No. 3 where the same will pass in front of the entrances to the said passenger and goods stations of the Great Eastern Company no crossing passing place siding junction or other work shall be made for or in connection therewith for a distance thereon extending between two points in South Street respectively situate thirty yards northwards of the northern side of the said bridge and thirty yards southwards of the southern side of the said bridge and without the consent of the Great Eastern Company in writing under their common seal no tramcar or other vehicle or carriage used on Tramway No. 3 shall be stopped or permitted to be stopped within such distance :
- (8) The Company shall be responsible for and make good to the Great Eastern Company all losses damages and expenses which may be occasioned to the Great Eastern Company or any of their works or property or to the traffic on their railways or to any company or person using the same or otherwise during the construction of or by reason of the failure of any of the intended works or by reason of any act or default or omission of the Company or of any person in their employ or of any contractors for the intended works or any part thereof or otherwise and the Company shall effectually indemnify and hold harmless the Great Eastern Company from all claims and demands upon or against them by reason of such construction or failure or of any such act default or omission :
- (9) If any difference shall arise between the Company and the Great Eastern Company or their respective principal engineers as to the reasonableness of the plans sections and specifications hereinbefore provided for or otherwise under this section such difference shall be referred to and be determined by arbitration :
- (10) The expression "the Company" in this section shall include their lessees or transferees and any person company corporation local authority council or other body owning working or running carriages over any tramways of the Company.

A.D. 1903.
Agreements
with local
authorities
as to supply
of electric
power.

51. The Company on the one hand and the councils for the urban districts of Ilford and Romford and any other local authority in whose district any portion of the tramways or of any tramways or light railways leased to or worked or run over or used by the Company is or will be situate on the other hand may enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say) :—

- (1) The supply to the Company by any such local authority of electrical energy for working any of such tramways or light railways which may for the time being be worked by the Company by electrical power under the provisions of this Act or otherwise whether such tramways or light railways are or are not partly situate beyond the district of such authority :
- (2) The supply to any such local authority by the Company of electrical power for any purpose for which such authority are for the time being authorised to supply the same :
- (3) The payments to be made or other consideration to be given in respect of any such supply of energy.

Agreements
as to leasing
&c.

52.—(1) The Company on the one hand and any local authority company or person owning or working any tramway or light railway in the county of Essex with which any tramway or light railway of or leased to or worked by the Company connects on the other hand may enter into and carry into effect agreements for all or any of the following matters and all matters incidental thereto (that is to say) :—

- (i) The lease to the Company for any period not exceeding forty-two years of any tramways of any such authority company or person :
- (ii) The working running over use management and maintenance by the contracting parties of all or any of their respective tramways light railways and works or any part or parts thereof respectively :
- (iii) The making of all necessary junctions :
- (iv) The supply by any of the contracting parties to the other or others of them under and during the continuance of any such agreement of rolling stock plant machinery electrical energy or any motive power necessary for the purposes of such agreement and the employment and appointment and removal of officers and servants :

- (v) The payments to be made and conditions to be performed in respect of such working use management and maintenance and the interchange accommodation and convenience transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties :
- (vi) The payment collection division and apportionment of the tolls rates or other receipts arising from the respective undertakings :

And in accordance with the terms of any such agreement and to the extent provided thereby the Company or any such local authority company or person as the case may be may lease work run over use manage and maintain the tramway or light railway or works agreed to be leased worked run over used managed or maintained by them and shall have and may exercise in relation thereto all such and the like powers rights authorities and privileges as are for the time being vested in or exerciseable by the owner or lessor thereof.

(2) The Company may exercise in relation to any tramways or light railways leased to worked run over or used by the Company in accordance with the terms of and to the extent provided for by any such agreement all or any of the powers conferred upon them in relation to the tramways by the sections of this Act the marginal notes whereof are "As to electrical works &c." "Power to attach brackets &c. to buildings" "Power to make additional cross-overs and to double tramway lines" and "Company may reduce footpath for constructing tramway" and the provisions of those sections shall (subject as aforesaid) extend and apply to and in the case of the said tramways and light railways as if the same had been enacted in this Act with reference thereto.

(3) Nothing in any such agreement shall prejudice or affect the right of any local authority not being a party to such agreement to purchase any tramway thereby agreed to be leased worked run over used managed or maintained.

53. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the tramways or any tramway or light railway leased to worked run over or used by the Company under the powers of this Act anything which is calculated to obstruct or interfere with the working of such tramway or light railway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person

Penalty for
malicious
damage.

A.D. 1903. — convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any such tramway shall be liable to a penalty not exceeding twenty pounds.

Consents of local or road authority.

54. Where the consent or approval of any local or road authority is by this Act required before the exercise of any powers by the Company such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to an arbitrator to be appointed by the Board of Trade.

Copy of Act to be registered.

55. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty. Every penalty under this section shall be recoverable summarily.

There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Transfer of Romford electric lighting undertaking to Company.

56.—(1) The indenture made the twentieth day of April one thousand nine hundred and three between the Romford Council of the one part and the Company of the other part as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the said council and the Company respectively and from and after the passing of this Act the undertaking powers rights and privileges of the said council under the Romford Electric Lighting Order 1900 shall be and are hereby vested in and may be exercised by the Company and the Company shall be the undertakers for the purposes of that Order and of the Electric Lighting Acts 1882 and 1888 and of the Electric Lighting (Clauses) Act 1899 as incorporated with that Order.

(2) Section 6 of that Order shall be read and have effect as if the period within which distributing mains are to be laid down within the streets and parts of streets mentioned in the Third Schedule to that Order were one year after the date of the passing of this Act instead of two years after the date of the commencement of that Order.

(3) Section 2 of the Electric Lighting Act 1888 shall in its application to the undertaking so transferred and to the Company in relation thereto be modified as follows:—

- (A) The period of forty years from the date of the passing of this Act shall be substituted for the period of forty-two years mentioned in the said section ;
- (B) The period of seven years shall be substituted for the period of ten years mentioned in the said section ; and
- (C) The right of purchase conferred upon the Romford Council by the said section 2 of the Electric Lighting Act 1888 shall not be exercisable unless at the time of giving notice under that section requiring the Company to sell the undertaking so transferred the said council serve notice upon the Company requiring them to sell so much of the undertaking authorised by this Act as is within the urban district of Romford under section 43 of the Tramways Act 1870 as amended by the section of this Act whereof the marginal note is “Purchase of undertaking.”

(4) The maximum prices to be charged under the said Order shall not exceed those mentioned in the said indenture.

57. Nothing in this Act contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Provision as
to general
Tramway
Acts.

58. 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.

A.D. 1903. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS FOR GENERATING STATION.

Lands in the parish and urban district of Romford and county of Essex situate on the north side of the Oldchurch Road Romford forming the enclosure numbered on the Ordnance map (scale $\frac{1}{2500}$ 2nd edition 1896) 182 in that parish and being one acre and six poles or thereabouts in extent.

THE SECOND SCHEDULE.

AN INDENTURE made the twentieth day of April one thousand nine hundred and three between the ROMFORD URBAN DISTRICT COUNCIL (hereinafter called "the council") of the one part and the EMPIRE ELECTRIC LIGHT AND POWER COMPANY LIMITED (hereinafter called "the Company") of the other part.

WHEREAS the Company are promoting a Bill (which together with the intended Act is hereinafter called "the Bill") in the present session of Parliament to authorise them to construct and work tramways partly situated in the council's district :

And whereas the council have by the Romford Electric Lighting Order 1900 confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1900 (hereinafter called "the Order") obtained power to supply electric energy for light and power within their district :

And whereas the council have agreed with the Company subject as hereinafter mentioned to transfer their powers under the Order to the Company :

Now this indenture witnesseth and it is hereby agreed as follows :—

1. Subject to the provisions hereinafter contained the council hereby transfer the undertaking and all their rights duties and liabilities under the Order to the Company and the Company shall be the undertakers for the purposes of the Order and for the purposes of the Electric Lighting (Clauses) Act 1899 as incorporated therewith.

2. The Company shall within six months after the passing of the Bill acquire freehold lands within the council's district necessary and sufficient for the erection of an efficient generating station thereon (such lands to be of an area and in a position approved by the council) and shall with all reasonable despatch erect and equip a sufficient generating station on such lands and shall lay down and complete necessary and sufficient mains and works for the purpose of supplying electricity within the council's district in accordance with the terms of the Order as amended by the Bill and shall thereafter make all necessary extensions and additions for street lighting and other purposes as and when the council may reasonably require. The generating station machinery buildings mains and works shall be carried out to a specification to be approved by the council's consulting engineer and to his reasonable satisfaction and subject in case of difference to the arbitration of an engineer to be appointed failing agreement by the President for the time being of the Institution of Electrical Engineers.

2A. In case the Company shall make default in acquiring the necessary freehold land and in erecting and equipping a sufficient generating station thereon and laying down and completing the necessary and sufficient mains and works for the purpose of supplying electricity within the council's district in accordance with the terms of the preceding paragraph and of the Order as amended by the Bill or shall make default in any of the matters works or things aforesaid so that the said generating station mains and works shall not be fully constructed laid completed and equipped within a period of one year from the date of the passing of the Bill then in any such case the Company shall pay to the council as liquidated and ascertained damages and not as a penalty the sum of five pounds for every subsequent week or part of a week over or during which such default or failure of the Company shall extend.

3. The Company shall pay the reasonable fees of the council's consulting engineer but the amount thereof shall be agreed between the Company and such engineer or failing agreement referred to arbitration.

4. The Company shall not be entitled to charge consumers within the district at any rates exceeding those hereunder specified (that is to say) :—

A—To the council—

- (1) For the lighting of public buildings at a uniform rate of fivepence halfpenny per unit or (if the council so require) on the maximum demand system at the same rate as on that system may be charged to other consumers for the purposes of private lighting ;
- (2) For power or heating at fourpence per unit subject to the deduction that if in any quarter the maximum demand as recorded on the indicator has been used for more than an average of one hour for

A.D. 1903.

each day in such quarter such excess over the quantity so consumed shall be charged for at the rate of twopence per unit ;

(3) For street lighting if the lamps are provided and maintained by the council at the rate of threepence per unit ; or

(4) For street lighting if the council require the Company to provide maintain and renew the lamps at the rate including provision maintenance and renewal of—

(A) Eighteen pounds fifteen shillings per annum for enclosed arc lamps of five hundred watts burning from dusk to eleven p.m. with two thirty candle power lamps from eleven p.m. till dawn ;

(B) Three pounds five shillings per annum for incandescent lamps of sixteen candle power ;

(C) Six pounds two shillings and sixpence per annum for incandescent lamps of thirty-two candle power :

B—To other consumers—

(1) At a uniform rate of sixpence per unit for lighting and threepence per unit for power or if the consumer so require ;

(2) At the rate of sevenpence per unit subject to the deduction that if in any quarter the consumer's maximum demand as recorded on the indicator has been used for more than an average of one hour for each day in such quarter such excess over the quantity so consumed shall be charged for at the rate of fourpence per unit.

5. The Company shall supply current for street lighting in all streets in which the council shall reasonably require the same but this provision shall be in addition to and not in derogation from the Company's obligations under the Order.

6. Subject to the approval of the Board of Trade the system to be applied shall be the three-wire continuous current system.

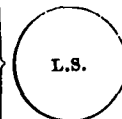
7. If any difference arises between the Company and the council under or in relation to this indenture it shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply to such arbitration subject as above provided.

8. The Company shall use their best endeavours to secure that this indenture shall be scheduled to and confirmed by the Bill and that the necessary clause shall by additional provision be inserted therein providing that the provisions of the Electric Lighting Acts 1882 and 1888 and of the Electric Lighting (Clauses) Act 1899 shall apply to the Company as undertakers under the Order provided that the right of the council to purchase the undertaking under the Electric Lighting Act 1888 shall arise within six months after the expiration of forty years from the passing of the Bill and within six months after the expiration of every subsequent period of seven years and shall not be exercised unless at the same time the council serve notice for the purchase of the tramways authorised by the Bill which are within the council's district.

9. This indenture is made subject to the approval of Parliament and to such alteration as Parliament may think fit to make therein Provided that if any material alteration be made either party may withdraw from the same.

In witness whereof the common seals of the Romford Urban District Council and the Empire Electric Light and Power Company Limited were hereto affixed the day and year first above written.

The common seal of the Romford Urban District Council was hereunto affixed in pursuance of a resolution passed at a meeting held this twentieth day of April one thousand nine hundred and three in the presence of

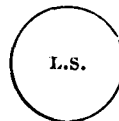


CHARLES T. KING

Romford

Clerk to the Council.

The common seal of the Empire Electric Light and Power Company Limited was hereunto affixed pursuant to a resolution of the Board in the presence of



JOSEPH BARKER }
W. PAXMAN } Directors.

THOS. H. HARRISON

Secretary.

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T. DIGBY FIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

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