



CHAPTER c.

An Act to authorise the West Metropolitan Tramways Company to raise additional capital and for other purposes. A.D. 1884.
—
[3rd July 1884.]

WHEREAS the West Metropolitan Tramways Company (Limited) purchased with the sanction of the Board of Trade certain tramway undertakings in the parishes of Acton Hammersmith and Norwood in the county of Middlesex :

And whereas by the West Metropolitan Tramways Act 1882 (in this Act called "the Act of 1882") the said limited company were dissolved and incorporated into a company (in this Act called "the Company") and authorised to construct additional tramways in the parishes of Hammersmith Chiswick Ealing Kew Richmond and other places in the counties of Middlesex and Surrey :

And whereas it is expedient that the Company should be authorised to raise additional capital for the general purposes of their undertaking and that the other provisions herein-after contained should be made :

And whereas the objects 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) :

1. This Act may be cited for all purposes as the West Metropolitan Tramways Act 1884. Short title.

2. The Lands Clauses Consolidation Act 1845 except the provisions thereof with respect to the purchase of lands otherwise than by agreement and with respect to the entry on lands by the promoters of the undertaking and the Lands Clauses Consolidation Acts Amendment Act 1860 so far as the same respectively are applicable to and not varied or excepted by or inconsistent with the Incorporation of general Acts.

A.D. 1884. — provisions of this Act are hereby incorporated with and form part of this Act.

Extending
certain
provisions
of Companies
Clauses Con-
solidation
Act.

3. Subject to the provisions of this Act the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The appointment and rotation of directors;

The making of dividends;

The giving of notices;

The provision to be made for affording access to the special Act by all parties interested and

Part I. "cancellation and surrender of shares" and Part II.

"additional capital" of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1867

shall save where expressly varied by this Act extend and apply to the Company and to the additional capital by this Act authorised to be raised.

Interpreta-
tion.

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

The expression "the Company" means the Company incorporated by the West Metropolitan Tramways Act 1882.

The word "contingencies" in the Companies Clauses Consolidation Act 1845 section 122 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company.

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute.

5. The Company may for the purposes of this Act and for the general purposes of their undertaking being in every case purposes to which capital is properly applicable from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money which they are already authorised to raise any additional sum or sums not exceeding in the whole forty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company.

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Company may raise additional capital.

6. The Company shall not issue any share 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 the whole of such stock shall have been paid in respect thereof.

Shares or stock not to vest until fifth part paid up.

7. The proprietors of any shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

As to votes of proprietors of such shares &c.

8. The Company may from time to time borrow on mortgage of their undertaking additional sums not exceeding in the whole ten thousand pounds in respect of the additional capital of forty thousand pounds by this Act authorised to be raised provided that in respect of each twenty thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole five thousand pounds. But no part of either of the before-mentioned sums of five thousand pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company has proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one half of such portion 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

Power to borrow on mortgage.

A.D. 1884. 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 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 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.

Existing mortgages to have priority.

9. All mortgages granted by the Company in pursuance of any Act of Parliament and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which the mortgages were respectively granted have priority over any mortgages granted by virtue of this Act.

For appointment of a receiver.

10. Section 57 of the Act of 1882 is hereby repealed without prejudice to any appointment made or any proceedings taken thereunder prior to the passing of this Act and the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Mortgages to comprise purchase money paid on compulsory sale.

11. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act 1870 and may comprise all or any moneys carried to a contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by the local authority.

12. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways or the tramway undertaking in the event of their being purchased by the local authority under section 43 of the Tramways Act 1870.

Company not to create debenture stock.

13. The Company shall not create debenture stock.

Application of moneys.

14. All money raised under this Act whether by shares stock or borrowing shall be applied only to the purposes to which it is by this Act made applicable.

- 15.** The Company may under the powers of this Act from time to time purchase and acquire by agreement and hold such lands as they may require for their undertaking not exceeding in the whole one acre. A.D. 1884.
Purchase of lands by agreement.
- 16.** The Company may erect on any lands they may acquire under the powers of this Act or they may take on lease any offices stables sheds workshops or other buildings yards works and conveniences for the purposes of their undertaking. Company may erect or lease offices stabling &c.
- 17.** Persons empowered by the Lands Clauses Consolidation Acts 1845 1860 and 1869 to sell and convey or release lands may if they think fit subject to the provisions of the said Acts and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid. Company may acquire easements &c. by agreement.
- 18.** The Company if required by the Postmaster General shall perform with respect to the tramways by the Act of 1882 acquired or authorised all such reasonable services in regard to the conveyance of mails including parcels as the Postmaster General may from time to time require by notice under the hand of one of the Secretaries or Assistant Secretaries of the Post Office or the Inspector General of Mails for the time being the remuneration for such services being determined by agreement or failing agreement by a referee to be appointed by the Board of Trade at the request of either party. Provided that except by agreement no mails shall be tendered for conveyance to the Company unless such mails are in charge of an officer of the Post Office. And provided that (except as aforesaid) the aggregate weight of mails in charge of any one officer shall not exceed the maximum weight of luggage for the time being allowed to an ordinary passenger and shall not be carried on the seat or so as to inconvenience passengers. In this section the expressions "mails" and "parcels" have the same meaning as in the Regulation of Railways Act 1873 and the Post Office (Parcels) Act 1882 respectively. Company to carry mails.
- 19.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. Interest not to be paid on calls paid up.

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

20. 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 tramways or to execute any other work or undertaking.

Tramways
of the Com-
pany not
exempt from
provisions of
present and
future
general Acts.

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

Expenses of
Act.

22. 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.