CHAPTER cxciv.

An Act for dissolving the North London Suburban Tramway Company Limited and reincorporating them under the name of the North London Tramways Company and to confer upon them powers to construct and maintain additional tramways and for other purposes. A.D. 1882.

[10th August 1882.]

WHEREAS the North London Suburban Tramway Company Limited is a limited company which was duly registered on the fourteenth day of December one thousand eight hundred and seventy-eight under the Companies Acts 1862 and 1867 for the purposes amongst others of constructing equipping maintaining and working tramways in the county of Middlesex and elsewhere and of applying for and carrying into effect any Act of Parliament or Order for those purposes: 25 & 26 Vict. c. 89. 30 & 31 Vict. c. 131.

And whereas by the North London Suburban Tramways Order 1879 which was confirmed by Parliament by the Tramways Orders Confirmation Act 1879 the Limited Company were empowered to make and maintain certain tramways in the parishes of St. John-at-Hackney Tottenham Edmonton and Enfield in the county of Middlesex and they have wholly or in part constructed and opened the same for public traffic: 42 & 43 Vict. c. cxciii.

And whereas the nominal capital of the Limited Company consists of one hundred thousand pounds divided into twenty thousand shares of five pounds each of which fourteen thousand six hundred and four shares have been issued and fully called up and seventy-two thousand eight hundred and twenty pounds or thereabouts paid thereon and the Limited Company have borrowed on debentures and now owe the sum of ten thousand pounds:

And whereas it is expedient that the Limited Company be dissolved and reincorporated with further powers:

And whereas it is expedient that the Company so reconstituted be empowered to extend their undertaking and to construct the

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additional tramways in this Act described and to raise and apply capital for that purpose:

And whereas it is expedient that the time limited by the said Order as enlarged by an Order of the Board of Trade dated the eleventh day of August 1881 for completing the tramways thereby authorised be extended:

And whereas plans and sections showing the lines and levels of the proposed additional tramways with a book of reference to those plans have been deposited with the clerk of the peace for the county of Middlesex which plans sections and book of reference are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

Short title.

1. This Act may be cited for all purposes as the North London Tramways Act 1882.

Incorporation of Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 33 & 34 Vict. c. 78.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) 1860 and 1869 and section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act are 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 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the Limited Company" means the North London Suburban Tramway Company Limited by this Act dissolved;

The expression "the Company" means the Company incorporated by this Act;

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The expression "the recited Order" means the North London Suburban Tramways Order 1879;

The expression "the tramways" or "the tramways by this Act authorised" means the additional tramways and works authorised to be constructed by this Act;

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

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

Incorporation of Company.

4. From and after the passing of this Act the Limited Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons and corporations who shall hereafter subscribe to or become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purposes of constructing completing and maintaining the tramways and works by the recited Order authorised and for other the purposes of that Order and of this Act and for those purposes shall be and are hereby incorporated by the name of "the North London Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase hold and dispose of lands and other property for the purposes of their undertaking and their undertaking shall be called "the North London Tramways."

Present property of Limited Company vested in Company incorporated by this Act.

5. Subject to the provisions of this Act all the tramways and works lands erections buildings rights easements moneys securities credits effects and other property whatsoever which immediately before the passing of this Act were vested in or belonged to the Limited Company or any person in trust for them and all powers rights privileges and authorities conferred upon the Limited Company by the recited Order and the benefit of all contracts and

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engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf and may subject to the provisions conditions and restrictions contained in the recited Order and according to the provisions of this Act be held exercised and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Memorandum and articles of association of the Limited Company to be void without prejudice to remedies for antecedent breaches thereof.

6. Subject to the provisions of this Act the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders thereof shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

7. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Limited Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the said memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall

not be restricted by any of the other clauses and provisions of this Act. A.D. 1882.

Contracts prior to Act to be binding.

8. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds debentures and agreements entered into or made or granted before the passing of this Act by to or with the Limited Company or any trustees or persons acting on behalf of the Limited Company by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company the Company had been a party thereto.

Byelaws to continue in force.

9. All the byelaws made by the Limited Company relating to the management use regulation or control of their tramways and undertaking or otherwise in relation thereto respectively and in force at the passing of this Act shall notwithstanding the said dissolution continue in force and be applicable and extend to and in respect of the tramways and undertaking for the time being of the Company and may and shall be enforced by and be available to the Company in their own name as well for the recovery of penalties as for all other purposes until the same are repealed or altered or others are made in their stead by the Company.

Actions &c. not to abate.

10. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively.

Trustees of Limited Company to be indemnified.

11. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the passing of this Act and who (being authorised so to do) entered

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into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of Limited Company.

12. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

As to payment of debts owing before passing of Act.

13. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates &c. to remain in force.

14. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books &c. continued evidence.

15. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere notwithstanding such dissolution and avoidance.

Officers to continue until removed.

16. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules

restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present register of members to be continued.

17. The books kept by the Limited Company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing numbers of such shares shall and may continue to be kept for the same purpose by the Company and shall until some other register of shareholders shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital of the Company.

18. The capital of the Company shall be one hundred and fifteen thousand pounds consisting of seventy-three thousand and twenty pounds stock representing the shares in the capital of the Limited Company at the passing of this Act and in this Act called "the original capital" and forty-one thousand nine hundred and eighty pounds called in this Act "the new capital" divided into four thousand one hundred and ninety-eight shares of ten pounds each.

Vesting of stock in shareholders of Limited Company.

19. Subject to the provisions of this Act the original capital shall subject to payment of any arrears of calls on any shares in the capital of the Limited Company at the passing of this Act be vested in appropriated and belong to the several persons who immediately before the passing of this Act were the registered members of the Limited Company in substitution for their existing shares in the proportion of five pounds of stock (nominal value) for each such share and the stock so vested and appropriated shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the share or shares for which the same is substituted and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Company shall call in and cancel existing share certificates and issue new certificates of stock in lieu thereof.

20. The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates of the substituted stock in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship of stock under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof and shall have paid up all arrears of calls on any such shares.

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New capital.

21. The Company may raise the new capital by the issue of ordinary shares or preference shares or by both of those modes.

Shares not to be issued until one fifth part thereof is paid up.

22. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

23. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

24. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

25. The Company may from time to time borrow on mortgage of their undertaking any sums not exceeding in the whole including the sum of ten thousand pounds raised by debentures by the Limited Company as aforesaid twenty-eight thousand seven hundred and fifty pounds and of that sum they may in addition to the said sum of ten thousand pounds borrow a further sum of fifteen thousand pounds when they have created and issued (inclusive of the original capital) one hundred thousand pounds of their capital and they may borrow the remainder being three thousand seven hundred and fifty pounds when they have issued the whole of their capital of one hundred and fifteen thousand pounds but no part of the said several sums of fifteen thousand pounds and three thousand seven hundred and fifty pounds respectively shall be borrowed until the Company have proved to the satisfaction of a justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the required amount of capital has in each case been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share or the whole of the stock as the case may be in the required amount of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations 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 shall be sufficient evidence thereof.

Company to grant mortgages to holders of debentures of Limited Company.

26. The Company shall as soon as may be after the passing of this Act call in and cancel the existing debentures of the Limited Company and create and grant in lieu thereof to the several holders of such debentures mortgages of the undertaking of the Company of corresponding amounts to and as far as may be subject to the same terms and conditions as to repayment or otherwise as the debentures for which such mortgages are respectively substituted and until such substitution the said several debentures shall be as binding upon the Company and its undertaking and of as full force and effect against or in favour of the Company as the same would have been upon against or in favour of the Limited Company and its undertaking if this Act had not been passed and every such mortgage shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as affect the debenture or debentures for which the same is substituted and the provisions of the Companies Clauses Consolidation Act 1845 with respect to the borrowing of money by the Company on mortgage or bond shall as far as applicable apply to the said mortgages as if the said several sums secured thereby had been authorised to be borrowed by this Act.

Arrears of interest and principal may be enforced by appointment of a receiver.

27. 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 two thousand pounds in the whole.

Existing debentures to have priority.

28. All debentures granted by the Limited Company before the passing of this Act and subsisting at the passing hereof and all mortgages to be granted in substitution for or in redemption of such debentures shall during the continuance of such debentures have priority over any mortgages granted by virtue of this Act.

Company not to create debenture stock.

29. The Company shall not create or issue debenture stock.

Date &c. of Act to be marked on mortgages.

30. Every mortgage granted by the Company shall be marked with the date and short title of the Act under the powers of which the same is granted.

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Mortgages to comprise purchase money paid on compulsory sale.

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

Indorsement of notice of power of future purchase by local authorities.

32. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramways or the undertaking or any part thereof respectively comprised in any compulsory sale to any local authority under section 43 of the Tramways Act 1870.

Priority of mortgages over other debts.

33. All mortgages granted by the Company under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by the Company provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on the mortgages granted by the Company.

Application of moneys.

34. All moneys raised under this Act whether by shares or borrowing shall be applied to the purposes of this Act only.

General meetings.

35. The first ordinary meeting of the Company shall be held within eight months after the passing of this Act and the future ordinary meetings of the Company shall be held in the month of February in every subsequent year or in such other month in every subsequent year as the Company by the resolution of an extraordinary general meeting shall from time to time determine.

Quorum of meetings.

36. The quorum to constitute a general meeting whether ordinary or extraordinary of the Company shall be ten shareholders holding in the aggregate not less than three thousand pounds nominal value in the capital of the Company.

Extraordinary meeting convened by shareholders.

37. The number of shareholders who may require an extraordinary meeting to be convened shall not be less than thirty holding in the aggregate not less than twelve thousand pounds in the capital of the Company.

Number of directors.

38. The number of directors shall be four but the Company may from time to time reduce or increase the number provided that the number be never less than three nor more than six.

Qualification of directors.

39. The qualification of a director shall be the possession in his own right of not less than two hundred pounds in the capital of the Company.

Quorum of directors.

40. The quorum of a meeting of directors shall be three while their number is six or five and if the number of directors be less than five the quorum shall be two.

First directors.

41. Christopher James John Beattie Henry Lee Corlett and Arthur Randolph Robinson shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power herein-before contained for altering the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided in the same Act.

Remuneration of directors and auditors.

42. The directors and auditors shall continue to receive the same remuneration as heretofore until the remuneration is altered by a resolution of a general meeting of the Company and such remuneration shall be paid out of the revenue of the Company.

Extending time for constructing authorised works.

43. The time limited by the recited Order as enlarged by the said Order of the Board of Trade dated the eleventh day of August one thousand eight hundred and eighty-one within which the tramways and works by the recited Order authorised may be constructed and opened for public traffic is hereby extended to two years after the passing of this Act.

Power to make new tramways.

44. 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 and in accordance with those plans and sections the additional

A.D. 1882. tramways herein-after described with all needful and proper rails plates sleepers chairs weighbridges weighing machines works and conveniences connected therewith or incidental thereto.

The tramways herein-before referred to and authorised by this Act are the following namely:

Tramway No. 1 A tramway one mile seven furlongs and forty-five links in length consisting of one mile eight chains and ninety links of single line and six furlongs one chain and fifty-five links of double line commencing in High Street Tottenham in the parish of Tottenham by a junction with the existing tramway of the Company at a point situate about ninety-six yards northwards from the passing place in High Street aforesaid situate between Seven Sisters Road and South Tottenham Railway Station passing thence into and along and terminating in Seven Sisters Road in the parish of Hornsey at a point fifteen yards or thereabouts north-eastward from the northernmost end or termination of the existing tramway of the North Metropolitan Tramways Company in Seven Sisters Road.

Tramway No. 2 A tramway consisting of a single line fifteen yards in length wholly in the Seven Sisters Road in the parish of Hornsey commencing at the termination of Tramway No. 1 and terminating at and by a junction with the northernmost end of the existing tramway of the North Metropolitan Tramways Company in that road. Provided always that the Company shall not construct any part of this tramway without the previous consent of the North Metropolitan Tramways Company in writing under their common seal.

Tramway No. 3 A tramway two chains and forty links in length consisting of ninety links of single line and one chain and a half of double line wholly in the parish of Tottenham, commencing in High Street Tottenham, by a junction with the existing tramway of the Company at a point situate about twenty-one yards northward from the said passing place in High Street aforesaid passing thence into and terminating in Seven Sisters Road by a junction with Tramway No. 1 at a point situate seventy-two yards or thereabouts from the commencement of that tramway.

Tramway No. 4. A tramway two miles three furlongs two chains and twenty links in length consisting of two miles one chain and twenty links of single line and three furlongs and one chain of double line commencing in Seven Sisters Road in the parish of Saint Mary Stoke Newington at a point

situate thirty-two yards or thereabouts north-eastward from the corner formed by the junction of the western side of Green Lanes with the southern side of Seven Sisters Road passing thence in a northerly direction into and along Green Lanes and terminating therein at Wood Green in the parish of Tottenham at a point situate ten yards or thereabouts southward from Nightingale Road.

Tramway No. 5 A tramway one furlong one chain and forty-five links in length consisting of eight chains and forty-five links of single line and three chains of double line wholly in Green Lanes in the parish of Tottenham commencing at the termination of Tramway No. 4 and terminating at a point in line with the southern side of Sidney Road.

Tramway No. 6 A tramway one chain and a half in length consisting of a single line commencing in Green Lanes in the parish of Saint Mary Stoke Newington by a junction with Tramway No. 4 at a point in line with and situate sixteen yards or thereabouts from the southern side of the Manor House Tavern passing thence into and along and terminating in Seven Sisters Road in the parish of Hornsey by a junction with Tramway No. 1 at a point situate forty-two yards or thereabouts south-westward from the south-west angle of the said Manor House Tavern.

All the said tramways will pass from through or into and be situate in the parishes of Tottenham Hornsey and Saint Mary Stoke Newington or some or one of them all in the county of Middlesex.

Carriages constructed for use on railways not to be used.

45. The Company shall not use upon the tramways by this Act authorised carriages or trucks constructed for use upon railways.

Period for completion of new tramways.

46. The tramways by this Act authorised shall be completed within two years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for constructing those tramways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Deposit money not to be repaid except so far as tramways are opened.

47. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty chapter twenty a sum of one thousand four hundred and twenty-five pounds Consolidated Three Pounds per Centum Annuities being not less than five per centum upon the amount of the

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estimate in respect of the tramways by this Act authorised has been transferred into the Court that is to say—the Chancery Division of the High Court of Justice in respect of the application to Parliament for this Act (which sum is in this Act referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said recited Act the 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 by this Act authorised open those tramways for public traffic Provided that if within the said period the Company open any portion of the tramways by this Act authorised for public traffic then on production of the certificate of the Board of Trade specifying the length of the portions 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 said tramways the court shall on the application of the depositors order the said portion of the deposit fund so specified in such certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of that Board 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.

48. If the Company do not previously to the expiration of the period limited by this Act for the completion of the tramways by this Act authorised open them for public traffic then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said tramways or any portion thereof and also in compensating any road authority 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 authority and in making good all damage caused to such roads by the construction

or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the court may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have 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 either be forfeited to Her Majesty and shall accordingly be paid or transferred to or for the account of Her Majesty s Exchequer in such manner as the court thinks fit to order on the application of the solicitor to Her Majesty's Treasury and shall be carried to and form part of the consolidated fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund shall have been repaid to the depositors or shall have become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Purchase of lands by agreement.

49. The Company may from time to time purchase and acquire by agreement for the general purposes of their undertaking and hold any lands not exceeding five acres.

Company may erect or lease offices stables &c.

50. The Company may erect or construct on any lands they may acquire under the powers of this Act or they make take on lease any offices stables sheds workshops or other buildings yards and conveniences for the purposes of their undertaking.

Power to take easements by agreement.

51. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 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 easements rights and privileges as aforesaid respectively.

For protection of the Tottenham Local

52. With respect to the tramways by this Act authorised within the district of the Tottenham Local Board of Health (in this section

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Board of Health.

called "the local board") the following provisions shall be in force and have effect that is to say—

(*a*) Such tramways shall be laid with granite setts on a foundation of six inches of best Portland cement concrete composed of approved materials to the reasonable satisfaction and approval of the local board or their surveyor and if the Company fail to comply in any respect with any of the provisions of section 26 of the Tramways Act 1870 in making forming and laying down the tramways within the said district they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of that section or to any other remedy against them) be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred.

(*b*) All paving metalling or materials excavated by the Company in the construction of their undertaking from any road under the jurisdiction or control of the local board shall be removed by and at the cost of the Company within a reasonable time after the same has been excavated to such place within the said district not exceeding one mile from the site of excavation as may be directed by the local board or their surveyor for the time being.

(*c*) All penalties incurred by the Company under the provisions of this Act or of the Tramways Act 1870 and recovered against them by the local board shall be paid to the local board.

For protection of the Hackney District Board of Works.

53. For the protection of the board of works for the Hackney district (herein-after in this section called the board) the following provisions shall have effect that is to say:

1. The Company shall one month at least before commencing any works in the Seven Sisters Road within the said district pay to the board the sum of five hundred and fifty pounds to be applied by the board in or towards executing such works in that road as the board may think requisite consequent on the construction of the tramway.
2. The Company shall one month at least before commencing any works in the Green Lanes within the said district pay to the board the sum of twelve hundred pounds to be applied by the board in or towards executing such works in that road as the board may think requisite consequent on the construction of the tramwav.

3. The Company shall at their own expense when required by the board widen the bridge which now carries the Green Lanes over the New River to such an extent as shall make the same of the width of at least forty feet Provided that the board shall not require such widening unless and until the board have obtained the consent of the Governor and Company of the New River.

Mode of formation of tramways.

54. Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed with two rails to be approved by the Board of Trade on a gauge of four feet eight and a half inches and shall be laid and maintained in such a manner that the uppermost surface of the rail shall be on a level with the surface of the road.

Rails of tramways to be approved by Board of Trade who may require Company to adopt improvements.

55. The rails of the tramways by this Act authorised shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the local or road authority of any district in which any or any part of the tramways are or is situate require the Company to adopt and apply such improvements in the tramways including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic of the roads in which the said tramways are laid and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Further provisions as to construction of tramways.

56. 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 any road authority of their intention to open or break up any road under the control of such road authority for the purpose of constructing laying down maintaining or renewing any of the tramways by this Act authorised 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 not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways by this Act authorised respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the respective road authority as provided by section 26 of the said Act Provided always that the word "materials" in this enactment does not include materials

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used for paving any part of any street under the provisions of the Tramways Act 1870 or this Act.

Inspection by Board of Trade.

57. The tramways by this Act authorised shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Penalty for not maintaining rails in proper order.

58. 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 by this Act authorised and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with any of the provisions of section 28 of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such failure continues and such penalty shall be a penalty within the meaning of section 56 of the said Act In case it is represented in writing to the Board of Trade by the road authority or by twenty inhabitant ratepayers of any district in which the tramways or any portion thereof are or is situate 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 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.

Special provision as to penalties for not maintaining tramways in Hackney district in good condition.

59. In addition to any other provisions of this Act the Company shall maintain and keep the tramways by this Act authorised where such tramways are situate within the district of the board of works for the Hackney district in good condition and repair to the satisfaction of the said board and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and such penalty may be recovered in manner provided by section 56 of the Tramways Act 1870 but by the said board only.

Tramways always to be kept

60. If and whenever the level of any road along or across which any or any part of the tramways is laid or authorised to be laid

shall be altered 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.

on level of surface of roads.

61. Any paving metalling or material excavated by the Company in the construction of their undertaking from any road under the jurisdiction or control of any road authority may be used or applied by the Company so far may be necessary in or towards constructing the tramways or works connected therewith and in or towards the reinstating of the road and the maintenance for six months after completion of any of the said tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are required to maintain and the Company shall if so required by the road authority deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Application of road material excavated in construction of tramways.

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

Passing-places to be constructed where less than a certain width left between footway and tramway.

63. The Company may subject to the provisions of this Act with the consent of the road authority from time to time make maintain alter and remove such crossings passing-places loops sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient

Power to make additional crossings and sidings into private premises by agreement.

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for the efficient working of the tramways or any of them or for providing access to any warehouses stables carriage houses sheds or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to the Company express his objection thereto.

Temporary tramways may be made when necessary.

64. Where by reason of the execution of any work affecting the surface or soil of any road or by reason of the alteration widening or diversion of any road or any part of any road along which any of the tramways is laid it shall in the opinion of the road authority having the control of such road be necessary or expedient temporarily or permanently to remove or discontinue the use of any part of any such tramway the Company shall within fourteen days of receiving an order in writing from the road authority under the hand of their clerk or surveyor discontinue or take up such tramway or part thereof either permanently or temporarily for such term as may be necessary for the execution of the said works Provided that the Company may subject to such conditions and in accordance and in all respects with such regulations as the road authority may from time to time make construct on the same or any adjacent road or on or along any part of the road as altered widened or diverted and with the like consent subject to the like conditions and in accordance with the like regulations maintain either permanently or so long as occasion may require a tramway or tramways in lieu of the part of the tramway so removed or discontinued If any difference arises between the Company and any road authority with respect to the reasonableness of or necessity for any such permanent removal or discontinuance or the reasonableness of any regulations or with respect to the mode of constructing any such tramway or tramways 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.

Sewer authority to have access to sewers.

65. Every sewer authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains and pipes to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer

or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Traffic to be suspended during works of drainage within the metropolis.

66. If and whenever in the opinion of the Metropolitan Board of Works it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain within the metropolis to interfere with any of the tramways of the Company constructed under this or any other Act or the roadway in which the same shall be made the said board may without any consent or concurrence on the part of the Company enter upon and interfere with such tramways or roadway after having given except in the case of emergency at least one month's previous notice in writing to the Company of their intention so to do and the Company shall during the execution of any such works either suspend the traffic upon such tramway or make provision at their own expense for carrying on the same in a manner satisfactory to the engineer of the said board so as not to interfere with any such work and shall have no claim for compensation against the said board in respect thereto.

Agreements between the Company and road authorities.

67. The Company may subject to the provisions of this Act from time to time enter into any agreement with any road authority with respect to the mode of construction and the maintaining removing renewing repairing and using of the tramways situate within the district of such road authority and the rails plates chairs sleepers and works connected therewith and the facilitating of the traffic over the same.

Tolls.

68. The tramways by this Act authorised shall for the purposes of tolls and charges be deemed to be part of the tramways authorised by the recited order and the several provisions of that order relating to tolls and charges including the provisions relating to the periodical revision of such tolls and charges and to cheap fares for the labouring classes are incorporated with and form part of this Act and shall apply to the tramways authorised by this Act

Saving rights of Metropolitan Board of Works to stop up streets. 18 & 19 Vict. c. 120.

69. Nothing in this Act contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges conferred upon the Metropolitan Board of Works by the Metropolis Management Act 1855 or any other Act relating to that board as to stopping for public traffic any road under the jurisdiction of that board for the purpose of constructing repairing and maintaining the sewers along or under any such road.

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Interest not to be paid on calls paid up.

70. The Company shall not out of any money by this Act authorised to be raised by shares or by borrowing pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him Provided always that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

71. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Provision as to general tramway Acts.

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

Costs of Act.

73. All costs charges and expenses of and preliminary and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.