CHAPTER cxcii.

An Act to extend the time for constructing the North London Tramways; to empower the North London Tramways Company to raise additional capital and for other purposes. [28th July 1884.]

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WHEREAS by the North London Suburban Tramways Order 1879 which was confirmed by Parliament by the Tramways Orders Confirmation Act 1879 the North London Suburban Tramway Company Limited was empowered to make and maintain certain street tramways in the parishes of Saint John at Hackney Tottenham Edmonton and Enfield in the county of Middlesex and in the parish of Cheshunt in the county of Hertford to be moved by animal power only:

And whereas the said Company completed and opened for public traffic the tramways by the said order authorised to be made in the said parishes of Saint John at Hackney Tottenham Edmonton and Enfield within the time limited by the said order as extended by direction of the Board of Trade dated the eleventh day of August one thousand eight hundred and eighty-one:

And whereas by the North London Tramways Act 1882 (hereinafter called "the Act of 1882") the limited company was dissolved and re-incorporated by the name of The North London Tramways Company and empowered to construct additional street tramways in the parishes of Tottenham Hornsey and Saint Mary Stoke Newington in the county of Middlesex to be also moved by animal power only:

And whereas the time limited by the Act of 1882 for the construction of the tramways thereby authorised will expire on the tenth day of August one thousand eight hundred and eighty-four and the Company will be unable to complete the construction thereof within the time so limited and it is expedient that further time should be granted them for that purpose:

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And whereas by the North London Tramways Act 1883 (hereinafter called "the Act of 1883") the Company were authorised to abandon the construction of the tramways by the North London Suburban Tramways Order 1879 authorised to be made in the parish of Cheshunt and were empowered to use steam and other mechanical or motive power in addition to or in substitution for animal power for the purpose of working their tramways except such and so much of their tramways as are laid or authorised to be laid within the parishes of Saint John at Hackney and Saint Mary Stoke Newington within the metroplis as defined by the Metropolis Management Act 1855:

And whereas it is expedient that the Company be also empowered to use steam or any other mechanical or motive power in addition to or in substitution for animal power for the purpose of working their tramways within the last-mentioned parishes:

And whereas it is expedient that the Company be empowered to raise additional capital for the purposes of their undertaking:

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 1884.

Incorporation of Part II. of Companies Clauses Act 1863.

2. Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 so far as the provisions thereof are not inconsistent with the provisions of this Act is hereby incorporated with this Act.

Extending time for completion of works.

3. The tramways authorised by the Act of 1882 to be constructed within the parishes of Saint John at Hackney and Saint Mary Stoke Newington may and shall be completed on or before the tenth day of August one thousand eight hundred and eighty-five and the remainder of the tramways by the same Act authorised to be constructed may and shall be completed on or before the tenth day of August one thousand eight hundred and eighty-six and on the expiration of those periods respectively the powers of the Company for executing the respective tramways and otherwise in relation thereto respectively shall cease to be exercised except as to so much thereof as shall then be completed.

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User of steam and mechanical power upon the tramways within the metropolis.

4. Notwithstanding anything contained in the Act of 1883 the powers conferred upon the Company by that Act with respect to the use of steam and any mechanical power in addition to or in substitution for animal power upon their tramways may be exercised within the parishes of Saint John at Hackney and Saint Mary Stoke Newington within the metropolis as defined by the Metropolis Management Act 1855 subject to the provisions and restrictions contained in the Act of 1883 and to any orders bye-laws and regulations made or to be made under the provisions thereof.

For protection of the New River Company.

5. Whereas the said tramways of the Company authorised to be laid in the parishes of Saint John at Hackney and Saint Mary Stoke Newington or some of them will pass over certain bridges the property of the New River Company which carry the public highways over the New River in the said parishes Therefore be it enacted that the Company in constructing the said tramways shall be subject to the following regulations that is to say :—

(1.) Before commencing any such tramways so as to cross or interfere with the bridges or property of the New River Company the Company shall give to the New River Company one month's notice of their intention so to do and shall at the same time submit plans and sections of the works with detailed descriptions of the mode of executing the same for the approval of the New River Company and the New River Company shall within fourteen days from the receipt thereof signify their approval or otherwise of the same and if the New River Company shall refuse or neglect to signify their approval of the said plans and sections respectively within the time aforesaid the Company may proceed to carry out the works in accordance with such plans and sections or if the New River Company shall require any alteration of the said plans and sections within such period of fourteen days and any difference of opinion shall thereupon arise as to the proposed works or as to the mode of executing them the matter in difference shall be referred to an engineer to be appointed on the application of either party by the Board of Trade whose decision shall be final and the costs of such reference shall be borne as such engineer shall direct but no such works shall be commenced until all differences in relation thereto shall be settled in manner aforesaid.

(2.) If the New River Company think it expedient that any portion of such work shall be done and executed by their own engineer and workmen they shall give notice in writing to the Company of their intention to do and execute the same and the Company shall upon receipt of such last-mentioned

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notice pay to the New River Company the probable cost of such work as estimated by the engineer of the New River Company and thereupon the New River Company shall forthwith without delay proceed to do and execute the same and upon completion of the said work the Company shall pay to the New River Company all reasonable charges and expenses (if any) incurred by them in relation thereto over and above the amount paid as aforesaid but if the amount originally paid as aforesaid to the New River Company exceeds the cost of such work the New River Company shall forthwith repay such excess to the Company.

(3.) All works executed by the Company in any way affecting the said New River Company shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the New River Company but the Company shall not be relieved from any responsibility touching the execution or maintenance of any such works by reason of any such superintendence or by the submission to or the approval of any plans sections or descriptions either by the New River Company or by the arbitrator as the case may be.

(4.) The reasonable costs charges and expenses of the engineer or other officers of the New River Company arising out of such superintendence or submission of plans or other provisions of this section shall be defrayed by the Company.

(5.) In the event of any of such works causing any injury to the New River Company's river or the banks thereof or to the bridges over the same either during the construction thereof or after the same shall have been completed and opened for traffic or in the event of any loss accruing to the New River Company from any interruption of their supply of water through any act or default of the Company their agents or contractors they shall be answerable for the same and shall pay to the New River Company all damages and make good all loss arising therefrom and be liable at all times thereafter to make good at their own expense whatever injury may be done or caused by the said works to the said river banks or bridges and any question which may arise as to any such expense or damages shall at the request of either party be referred to a civil engineer to be appointed as hereinbefore provided and the award of such engineer shall be final and conclusive and the cost of such reference shall be borne as such arbitrator shall direct and any sum so awarded may be recovered by the New River Company in any court of competent jurisdiction.

(6.) Nothing in this Act contained shall prejudice take away lessen or interfere with any of the property rights powers interests and privileges of the New River Company otherwise than is herein expressly provided.

Scheduled agreement with Hackney Board of Works confirmed.

6. The Memorandum of Agreement made between the Company of the one part and the Board of Works for the Hackney District of the other part and set forth in the schedule to this Act annexed is hereby confirmed and made binding on the parties thereto respectively.

Power to raise additional capital.

7. The Company may subject to the provisions of this Act raise any additional capital not exceeding in the whole twenty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any 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 shall have been paid in respect thereof.

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

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

New capital to form part of capital of Company.

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

Dividends on new shares or stock.

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

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

11. Except as otherwise expressly provided by the resolutions creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act may be of same class.

12. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and

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the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow.

13. The Company may in respect of the additional capital of twenty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortage any sums not exceeding in the whole five thousand pounds and the Company may when ten thousand pounds of the said additional capital has been from time to time issued and accepted and one-half thereof has been paid up borrow on mortgage any sum or sums not exceeding in the whole two thousand five hundred pounds and when the remainder of the said additional capital has been issued and accepted and one-half thereof has been paid up the Company may borrow on mortgage the further sum of two thousand five hundred pounds but in neither of the before mentioned cases shall any part of the said respective sums be borrowed until the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for so much of each such portion of additional capital as is to be raised by means of shares have been issued and accepted and one-half of such portion of capital 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 each such portion of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were or was issued or their executors administrators successors or assigns and also if such 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.

Provisions of former Act as to appointment of a receiver repealed.

14. The provisions of the Act of 1882 with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same are hereby repealed but subject and without prejudice to any appointment of a receiver which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provisions.

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

15. 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.

Priority of existing mortgages.

16. All money raised by the Company on mortgage under the provisions of any Act of Parliament before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Priority of mortgages over other debts.

17. All money raised or to be raised by the Company on mortgage under the provisions of this Act shall have priority against the Company and the property from time to time belonging to the Company over all claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any mortgage granted or to be granted by the Company under the provisions of any former Acts or any claim for land taken used or occupied by the Company for the purposes of any former Act or injuriously affected by the construction of the works or by the exercise of any powers conferred on the Company.

Company to carry mails.

18. The Company if required by the Postmaster-General shall perform with respect to any of the tramways of the Company all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act 1882) 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 by agreement 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 but nothing in this section shall deprive the Postmaster-General of the right of requiring the Company to

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convey mails either as parcels or goods if and to the same extent as the Company are at any time conveying parcels or goods on their own account.

In this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873.

Application of moneys.

19. All money raised by the Company under this Act whether by shares or borrowing shall be applied only to purposes of the Company to which capital is properly applicable.

Interest not to be paid on calls paid up.

20. 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.

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

21. The Company shall not out of any money by this or any other 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.

Tramways not to be exempt from provisions of General Tramways Act.

22. Nothing in this Act contained shall be deemed to 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 which the Company are authorised to demand.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

MEMORANDUM OF AGREEMENT made this 20th day of June 1884 between the North London Tramways Company (herein-after referred to as "the Company") of the one part and the Board of Works for the Hackney District (herein-after referred to as "the Board of Works") of the other part Whereas the Company have under the powers of the North London Suburban Tramways Order 1879 constructed and are at the date hereof working certain tramways situate in the Parishes of Saint John at Hackney Tottenham and Edmonton in the County of Middlesex extending from Stamford Hill to Ponders-End Edmonton And whereas by the North London Tramways Act 1882 the Company were (inter alia) authorised to make form lay down work use and maintain certain tramways in and along the Seven Sisters Road and Green Lanes such tramways being more particularly described in the said Act and being situate in the Parishes of Tottenham Saint Mary Stoke Newington and Hornsey in the said county And whereas the said Act (Section 46) limited the time for the completion of the construction of the said tramways along the Seven Sisters Road and Green Lanes to two years from the passing of the Act now in recital which said Act received the Royal Assent on the 16th day of August 1882 And whereas by Section 53 of the said Act it is enacted as follows:—

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

(2) The Company shall one month at least before commencing any works in the Green Lanes within the district of the Board of Works pay to the Board of Works the sum of one thousand two hundred pounds to be applied by them in or towards executing such works in that road as the Board of Works may think requisite consequent on the construction of the tramway in that road.

(3) The Company shall at their own expense when required by the Board of Works 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 of Works shall not require such widening unless and until they have obtained the consent of the Governor and Company of the New River.

And whereas by the North London Tramways Act 1883 the Company were authorised to abandon a certain part of their authorised undertaking not situate within any of the before mentioned parishes and by Section 5 of the Act now in

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recital were authorised subject to the provisions of that Act to use steam power or any mechanical power in addition to or in substitution for animal power upon and for the purposes of working their tramways as in that Act defined but not including so much of the said tramways as were situate within the district under the control of the Board of Works And whereas in the present session of Parliament the Company are promoting a Bill among other objects to extend the time for the construction of the said tramways along the Seven Sisters Road and Green Lanes to the 10th of August 1886 and to obtain powers to use steam or any mechanical power in addition to or in substitution for animal power upon such part of their tramways as are situate within the district under the control of the Board of Works And whereas the Board of Works are the Road Authority of the district within which such part of the Company's tramways as are at present constructed in the said Parish of St. John at Hackney are situate and are also the Road Authority of such parts of the said Seven Sisters Road and of Green Lanes in and along which the Company are as aforesaid authorised to lay down and construct the tramways herein-before mentioned as are situate in the said Parish of Saint Mary Stoke Newington And whereas the Board of Works as such Road Authority being of opinion that it is to their interest that the said tramways of the Company along the Seven Sisters Road and Green Lanes within their district should be constructed on or before the 10th day of August 1885 and worked in manner proposed and have applied to and requested the Company to limit by the said Bill which they are as aforesaid promoting in the present session of Parliament the time for the construction of such part of the said tramways to the 10th day of August 1885 and have threatened to oppose the passing of the said Bill unless the Company agree to so limit the time for the construction of the said tramways which the Company have agreed to do in consideration of the Board of Works entering into this Agreement Now it is hereby agreed between the Company and the Board of Works as follows:—

1. Notwithstanding anything in the Bill herein-before referred to which is being promoted this session by the Company as aforesaid or in any Act to be passed founded thereon the Company shall and will subject to the provisions of Clause 2 hereof make form and lay down on or before the 10th day of August 1885 the tramways within the district of the Board of Works authorised to be constructed by the said North London Tramways Act 1882 on or before which date the Company shall and will pay to the Board of Works all and every the sum or sums of money which by Section 53 of that Act the Company have undertaken to pay in or towards the cost of executing such works in the said Seven Sisters Road and Green Lanes as are by such section agreed to be executed by the Board of Works.

2. Upon the payment by the Company of the sum or sums of money so to be paid by them to the Board of Works as last aforesaid the Board of Works shall and will execute such works in the said Seven Sisters Road and Green Lanes as by Section 53 of the North London Tramways Act 1882 they have undertaken to execute.

3. The Company shall at all times and at their own expense pave and keep in repair such portion of the roadway of the roads upon which the said tramways are or shall be laid within the district of the Board of Works as is in conformity with the provisions of Section 28 of the Tramways Act 1870.

4. In consideration of the covenants and agreements herein-before contained on behalf of the Company the Board of Works do consent to the use by the Company of steam and any mechanical power in addition to and in substitution for animal power upon such part of the Company's tramways as are constructed within the Parish of Saint John at Hackney and also upon such part of their tramways as are as aforesaid authorised to be constructed within the Parish of Saint Mary Stoke Newington it being agreed between the parties hereto that this Agreement shall be deemed an agreement entered into in accordance with the provisions of Section 11 of the said North London Tramways Act 1883 anything in that Act notwithstanding to the contrary and this Agreement shall for all purposes whatsoever as between the Company and the Board of Works be deemed to be the Agreement for the time being in force in relation to the said tramways entered into in accordance with and authorised by the provisions of the said Section 11 of the said Act of 1883 And the Board of Works hereby further agree that they will not oppose the passing of the said Bill which is being promoted by the Company in the present session of Parliament.

In witness whereof the Company and the Board of Works have hereunto caused their respective Common Seals to be affixed the day and year first above written.

L.S.

L.S.

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