CHAP. clxxix.

An Act to empower the North Metropolitan Tramways Company to construct new Tramways; and for other purposes. [31st July 1871.]

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WHEREAS by the North Metropolitan Tramways Act, 1869, the North Metropolitan Tramways Company (herein-after called "the Company") were incorporated and empowered to lay down in certain streets in the metropolis north of the river Thames the tramways in that Act mentioned, and by the North Metropolitan Tramways Act, 1870, they were empowered to lay down the other tramways in that Act mentioned: 32 & 33 Vict. c. ci.

And whereas it is expedient that the Company should be empowered to lay down and maintain the several additional tramways in this Act particularly described:

And whereas plans and sections showing the lines and levels, and describing the mode of construction and the position in the streets along which they are to be laid down, of the tramways and works by this Act authorised, and books of reference to those plans, have been deposited with the respective clerks of the peace for the county of Middlesex and the city of London, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference respectively:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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 Metropolitan Tramways Act, 1871."

Provisions of general Acts herein named incorporated.

2. Parts II. and III. of the Tramways Act, 1870, and the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except the provisions of the Lands Clauses Consolidation Act, 1845, with respect

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to the purchase of lands otherwise than by agreement, and with respect to the entry upon lands by promoters of the undertaking), and 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 provision to be made for affording access to the special Act:

Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction: the expression "the Company" shall mean the North Metropolitan Tramways Company; the expression "the tramways" shall mean the tramways and works by this Act authorised, or any part thereof; the expression "the undertaking" shall mean the undertaking of the Company as authorised by the Acts of 1869 and 1870, and this Act; the expression "the Act of 1869" shall mean the North Metropolitan Tramways Act, 1869; the expression "the Act of 1870" shall mean the North Metropolitan Tramways Act, 1870;" and in this Act and in any Act wholly or in part incorporated herewith the expression "superior courts" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to make tramways according to deposited plans.

4. Subject to the provisions of this Act, the Company may make, form, lay down, and maintain in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with the deposited plans and sections, the tramways herein-after described, with all proper rails, plates, works, and conveniences connected therewith, and may enter upon, take, and use

such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The tramways herein-before referred to and authorised by this Act are,—

The Kingsland Road Route.—Three miles one furlong and seven and a quarter chains or thereabouts in length, consisting of the tramways numbered on the deposited plans 2, 2A, 3, and 3A, commencing in Kingsland Road, at or near the south end thereof, and passing along Kingsland Road, Kingsland High Street, Stoke Newington Road, High Street, Stoke Newington, and Stamford Hill, and terminating in Stamford Hill at or near the end of Upper Clapton Road;

The Finsbury Park Route.—Three miles two furlongs and one and a quarter chains or thereabouts in length, consisting of the tramways numbered on the deposited plans 4, 4A, 5, and 5A, commencing in the City Road by junctions with the authorised tramways of the Company, and passing along East Road, New North Road, Mintern Street, Bridport Place, across Rosemary Branch Bridge, along Southgate Road, Mildmay Park, the carriage road on the east and north sides of Newington Green and Green Lanes, and terminating in Green Lanes at or near the junction therewith of Seven Sisters Road;

The Islington and Kingsland Route.—One mile four furlongs and seven and a half chains or thereabouts in length, consisting of the tramways numbered on the deposited plans 6, 6A, 7, and 7A, commencing in Upper Street, Islington, by junctions with the authorised tramways of the Company, and passing along the carriageway on the east side of Islington Green, Essex Road, Balls Pond Road, and Kingsland High Street, and terminating in Kingsland High Street by junctions with the Kingsland Road route herein-before described;

The Old Street and Old Street Road Route.—Seven furlongs and seven and a half chains or thereabouts in length, consisting of the tramways numbered on the deposited plans 15, 15A, 8, 8A, 8B, 8C, and 8D, commencing in Goswell Road by junctions with the Islington and Post Office route herein-after described at or near the west end of Old Street, and passing along Old Street and Old Street Road, and terminating in Hackney Road by junctions with the Hackney Road route herein-after described;

The Hackney Road Route.—One mile and one chain or thereabouts in length, consisting of the portions of the tramways numbered on the deposited plans 9 and 9A, commencing in

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High Street, Shoreditch, by junctions with the Kingsland Road route herein-before described, and passing along and terminating in Hackney Road by junctions with the Mile End and Clapton route, herein-after described, at the commencement of the tramways numbered on the deposited plans 11 and 11A;

The Mile End and Clapton Route.—Four miles two furlongs and half a chain or thereabouts in length, consisting of the tramways numbered on the deposited plans 10, 10A, 11, and 11A, commencing in Mile End Road at or near the end of Cambridge Road by junctions with the existing tramways of the Company, and passing along Cambridge Road, Cambridge Heath, Mare Street, Church Street Hackney, Lower Clapton Road, and Upper Clapton Road, into and terminating in Stamford Hill by junctions with the Kingsland Road route herein-before described;

The Limehouse and Victoria Park Route.—One mile five furlongs and two and three quarters chains or thereabouts in length, consisting of and comprising the tramways numbered on the deposited plans 12, 12A, 12B, and 12C, commencing in Old Ford Road at a point three chains east of Grove Road, and passing along Grove Road, Mile End Road, and Burdett Road, into and terminating in the East India Dock Road by junctions with the Commercial Road route herein-after described;

The Commercial Road Route.—Two miles six furlongs and three chains or thereabouts in length, consisting of the tramways numbered on the deposited plans 13 and 13A, commencing in Whitechapel High Street by junctions with the existing tramways of the Company, and passing along Commercial Road and East India Dock Road, and terminating in East India Dock Road at or near the end of Robin Hood Lane;

The Islington and Post Office Route.—Six furlongs and six chains or thereabouts in length, consisting of the tramways numbered on the deposited plans 14, 14A, and 14B, commencing in the City Road by junctions with the authorised tramways of the Company, and passing along and terminating in Goswell Road at or near the south end thereof:

and the tramways by this Act authorised shall for all purposes be part of the undertaking of the Company.

Mode of formation of tramways.

5. Every tramway to be made, formed, or laid down under this Act shall be constructed with two rails, on the gauge of four feet eight and a half inches, to be laid at a distance (reckoning from the outer edge of each rail) of five feet and three inches from each other,

and to be laid and maintained in such manner that the uppermost face of the rail shall be on a level with the surface of the street, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic in the manner (if any) prescribed by the Board of Trade by any rules for the time being in force made by them under the powers of any Act of Parliament enabling them in that behalf.

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

6. Where in any street or road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the 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 places connecting the one tramway with the other, and by means of such passing place or places the traffic shall, when necessary, be diverted from the one tramway to the other.

Tramways to be always kept on level with surface of roads.

7. If any road authority hereafter alter the level of any road, along or across which any part of the tramway is laid, or authorised to be laid, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

In making tramways Company not to prevent traffic passing along street.

8. The Company shall not in the construction of any of their tramways stop up or interfere with any street, so as to prevent the passage of traffic along such street, except with the previous consent in writing of the Metropolitan Board of Works.

Roads not exceeding twenty-four feet in width to be maintained by the Company.

9. The provisions of section 28 of "The Tramways Act, 1870," with reference to the repair by the Company of certain parts of the roads along which tramways are laid, shall extend and apply to every portion of any road along which two lines of tramways are by this Act authorised to be laid, where such road shall not exceed twenty-four feet in width.

Further provisions as to construction of tramways.

10. In addition to the requirements of section 26 of "The Tramways Act, 1870," the Company shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of making, forming, and laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of construction, and a statement of the materials intended to be used therein, and the Company shall not commence the construction of any of the tramways, or part of any of the tramways respectively, until such plan and statement have been approved by the said Board, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence

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and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section 26 of the said Act: Provided always, that the word "materials" in this enactment does not include the materials used in paving any part of any street under the provisions of "The Tramways Act, 1870," or of this Act.

Company may be required to use improved form of rail.

11. The Board of Trade may from time to time, upon the application of the Metropolitan Board of Works, 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; and the Company shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

12. 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 which any of the tramways for the time being consist, 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 requirements of section 28 of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues, and such penalty may be recovered by the Metropolitan Board of Works only in manner provided by section 56 of the said Act.

Saving rights of Metropolitan Board of Works to stop up, &c. streets.

13. 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 Local Management Act, 1855," or any other Act relating to that Board, as to stopping for public traffic any road or street under the jurisdiction of that Board for the purpose of constructing, repairing, and maintaining the sewers along or under any such road or street.

Extending section 17 of Act of 1869.

14. Section 17 of the Act of 1869, for the protection of the sewers of the Metropolitan and other boards, &c., is incorporated with and forms part of this Act, as fully and effectually as if that section had been expressly repeated and re-enacted in this Act.

As to paving roads in Hackney not exceeding twenty-eight feet wide.

15. Where in the parish of Hackney the Company form and lay down any tramways in any road or part of a road not then cubed or paved, and which does not exceed twenty-eight feet in width between the kerbs of the footways, the Company shall, when making and laying down the tramways there, pave with granite the whole width of such road, or part of a road between the said

kerbs, and the cubing, paving, and other work thereof shall be executed with such materials as shall be directed by the Board of Works for the Hackney District, or their surveyor acting as aforesaid, and to the satisfaction of such surveyor: Provided always, that if the said district board require the sides of such road between the kerbs and the rails of the said tramway nearest to the kerbs to be made with asphalte, instead of being paved, the Company shall make them with asphalte.

As to cost of straightening kerbs of footways in Hackney.

16. Where in the parish of Hackney the tramways are formed and laid down in any street or part of a street where the kerbs of the footways run in irregular lines, if and when the said district board determine to set back the kerbs and straighten and regularise the lines thereof in the narrower parts of the road, in order to give more space of roadway there, the Company shall pay to the said district board the reasonable cost of so doing.

As to materials of old roads in Hackney.

17. The Company, in laying down the tramways in any roads in the parish of Hackney, may use for that purpose any of the old materials of the roads which are proper for the purpose, and the surplus material of any macadamised roads shall belong to and be carted away by the said district board, and the surplus materials of any paved or cubed roads shall belong to and be carted away by the Company.

Company to relay the paving in paved streets in Islington.

18. Where in the parish of Saint Mary, Islington, the tramways are formed and laid down along any street or part of a street then being cubed or paved, as to the whole or part of the width of the street between the kerbs of the footways, the Company if and so far as they shall be required by the vestry of the said parish, or their surveyor acting by their authority, so to do shall, when making and laying down the tramways there, take up such cubing and paving, and relay the same to such section as the vestry aforesaid, or their surveyor acting as aforesaid, shall require, and to the satisfaction of such surveyor.

As to paving roads in Islington not exceeding thirty feet wide.

19. Section 15 of "The North Metropolitan Tramways Act, 1870," is hereby repealed, except with respect to any tramway already constructed by virtue of that Act, and in lieu thereof be it enacted, that where in the parish of Saint Mary, Islington, the Company after the passing of this Act form and lay down the tramways by the last-mentioned Act or this Act authorised in any road or part of a road which does not exceed thirty feet in width between the kerbs of the footways, the Company shall, when making and laying down the tramways there, pave with granite the whole width of such road or part of a road between the said kerbs, and the cubing,

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paving, and other work thereof shall be executed with such materials as shall be directed by the said vestry or their surveyor acting as aforesaid, and to the satisfaction of such surveyor.

Not to block roads in Islington.

20. Notwithstanding anything in this Act contained, the Company shall not in any case, without the consent in writing of the vestry of the parish of Saint Mary, Islington, block up for carriage traffic any road in that parish.

For protection of the Board of Works for the Whitechapel District.

21. The following provisions shall be in force with respect to the tramways 13 and 13A by this Act authorised to be made within the district of the Board of Works for the Whitechapel District:

1. The said tramways and the works connected therewith shall be constructed, and from time to time repaired and maintained, and all interference with roads and restoration thereof shall be done under the superintendence and to the entire satisfaction of the surveyor for the time being of the said district board of works, and at the cost in all respects of the Company:
2. The Company shall not make, form, or lay down the said tramways in the lines shown on the deposited plans and sections, but the same shall be made, formed, laid down, and maintained by the Company along such parts of the streets and only in the direction and manner shown upon the plan signed by John Dent Dent, Esquire, the chairman of the committee to whom this Act was as a Bill referred in the House of Commons:
3. The Company shall, when required by the said surveyor whilst the works are in course of construction, remove all earth, materials, and other obstructions, and temporarily restore the roadway so as to enable carts and carriages to pass along the same; and in the construction, maintenance, or repair of the said tramways there shall be no interference with the carrying on of the Hay and Straw Market in High Street, Whitechapel:
4. In addition to the obligations imposed upon the Company as to the future repair of parts of the streets along which the said tramways are laid, and a certain distance beyond and between the rails, they shall restore and from time to time maintain in good order and condition so much of the roadway of the said streets as will be situate between each of the rails of the tramways nearest the footway, and the footway:
5. Any part of the road within the said district which may be disturbed by or in consequence of the works of the Company, and for the repair whereof the Company are not or will not be permanently liable, shall be repaired and made good by them,

and be kept by them in good repair for six months after the completion of the said works, to the entire satisfaction of the said surveyor.

Single line to be laid in certain parts of Commercial Road East.

22. The Company shall not in the Commercial Road East, from the west side of the Britannia Bridge carrying that road over the Limehouse Cut to a point eighty yards eastward from the east side of Church Row, construct more than one line of tramway without the consent in writing of the Board of Works for the Limehouse District, and the Company shall construct such tramway so that there shall be a clear width of not less than three feet six inches between the present stone tramway and the rail of the tramway nearest thereto.

For protection of Burdett Road Bridge over Limehouse Cut.

23. Before laying their tramways over the bridge carrying the Burdett Road over the Limehouse Cut, the Company shall submit plans and specifications for the works necessary for the same to the surveyor for the time being of the Board of Works for the Limehouse District for his approval, or in the event of his not approving the same for one calendar month after the plans and specifications have been delivered to him, according to the plans and specifications to be approved by an engineer to be appointed by the Board of Trade on the application of either party, and the same works shall be commenced, carried on, and completed under the superintendence and to the reasonable satisfaction of the said surveyor.

As to paving parts of Commercial Road East.

24. The Company shall at their own expense, before using their tramways in the Commercial Road East, pave with such materials and in such manner as the road authority shall direct such part of the said road as shall lie between the stone tramway on the south side of the said road and the rail of the tramway nearest thereto.

As to paving of Commercial Road within the parish of Saint George-in-the-East.

25. The Company shall at their own expense, before using such part of their tramway in the Commercial Road East as is within the parish of Saint George-in-the-East, pave with such materials and in such manner as the road authority shall direct, such part of the said road as shall lie between the granite paving on the north side of the said road and the rail of the tramway nearest thereto.

Application of road materials excavated in construction of Company's works.

26. All paving stones excavated by the Company in the construction of the tramways numbers 12, 12A, 12B, 12C, 13, and 13A, by this Act authorised, from any street or road under the jurisdiction or control of any road authority and any metalling or material other than such paving stones excavated as aforesaid, and not required to be used by the Company in the construction of the works by this Act authorised, shall remain the property of such road authority, and the road authority shall be at liberty, at their own expense, to remove and carry away such paving, metalling, or material upon

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receiving notice from the Company or their engineer that any such paving, metalling, or material may be removed: Provided that if within five days after the receipt of any such notice, such paving, metalling, or material is not removed by some person or persons duly authorised by such road authority for that purpose, such paving, metalling, or material shall absolutely vest in and belong to the Company, and be dealt with, removed, and disposed of by them in such manner as they may think fit.

Company to pay road authority costs incurred, &c.

27. In addition to the expenses of superintendence which the Company are by section 26 of "The Tramways Act, 1870," required to pay to the road authority, the Company shall on demand pay to the road authority all the reasonable costs, charges, and expenses which they may incur by reason of the preparation or examination of plans or designs in connexion with tramways 12B, 12C, 13, and 13A, respectively, and the same may be recovered by action in any or either of the superior courts of common law at Westminster.

As to construction of tramways 13 and 13A in Commercial Road East and East India Road.

28. The Company shall not make, form, or lay down the said tramways numbers 13 and 13A in the lines shown on the deposited plans and sections, but the same shall be made, formed, laid down, and maintained by the Company along such parts of the Commercial Road East and East India Road, only in the direction and manner shown upon the said plan signed by John Dent Dent, Esquire.

Signed plan to be deposited with the clerk of the peace for Middlesex.

29. The signed plan mentioned in the last preceding section shall within three months after the passing of this Act be deposited with the clerk of the peace for the county of Middlesex, who shall receive and retain it, and permit all persons interested to inspect it, and make copies and extracts of and from it in like manner, upon the like terms, and under the like penalty for default, as by the Act of the first year of the reign of Her present Majesty, chapter eighty-three, is provided with respect to the documents therein specified.

As to paving roads in St. Matthew, Bethnal Green, not exceeding twenty-eight feet wide.

30. Where in the parish of Saint Matthew, Bethnal Green, the Company lay down any tramways on any road or part of a road not then paved, and which does not exceed twenty-eight feet in width, between the kerbs of the footways, the Company shall, when laying down the tramway there, pave with granite the whole width of such road or part of a road between the said kerbs, and the paving and other works thereof shall be executed with such materials as shall be directed by the vestry of the said parish or their surveyor, and to the satisfaction of such surveyor.

As to materials of old roads in parish of St. Matthew, Bethnal Green.

31. The Company in laying down the tramways in any streets or roads in the said parish of Saint Matthew, Bethnal Green, may use for that purpose any of the old materials of the streets or roads

which are proper for the purpose, and the surplus of such materials shall belong to the said vestry.

Saving rights and protecting works of the Regent's Canal Company.

32. Nothing in this Act, or in the Acts wholly or partially incorporated with this Act contained, shall take away, diminish, or affect any of the rights, privileges, or powers vested in the Company of Proprietors of the Regent's Canal (herein-after called "the Canal Company,") and the Company shall not without the consent in writing of the Canal Company under their common seal first had and obtained, take, use, or in any manner interfere with any part of the Regent's Canal, or of the towing-paths, locks, lay-byes, wharves, bridges, tunnels, or works connected with the canal, or any land belonging to the Canal Company, or in which the Canal Company is interested, save that the Company may nevertheless lay their tramways over any bridge or tunnel by which any public road is carried over the canal, and the works necessary for the same shall be executed according to plans and specifications to be submitted to and previously approved by the engineer for the time being of the Canal Company or (in the event of his not approving the same for one calendar month after the plans and specifications have been delivered to him) according to plans and specifications to be approved by an engineer to be appointed by the Board of Trade on the application of either party, and the same works shall be commenced, carried on, and completed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Canal Company, and at the expense of the Company, and the Company shall from time to time pay to the Canal Company within fourteen days after demand all costs and expenses which may be incurred by them in and about such superintendence.

Saving rights and protecting works of the Lee Conservancy Board.

33. Nothing in this or the recited Act, or in the Acts wholly or partially incorporated therewith contained, shall take away, diminish, or affect any of the rights, privileges, or powers vested in the Lee Conservancy Board (herein-after called "the Conservancy Board,") and the Company shall not, without the consent in writing of the Conservancy Board under their common seal first had and obtained, take, use, or in any manner interfere with any part of the river Lee, or of the towing-paths, locks, lay-byes, wharves, bridges, or works connected therewith, or any land belonging to the Conservancy Board, or in which the Conservancy Board is interested, save that the Company may lay their tramways over any bridge by which any public road is carried over the said river Lee; but the works necessary for the same shall nevertheless be executed according to the plans and specifications to be submitted to and previously approved by the engineer for the time being of the Conservancy Board, or (in the

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event of his not approving the same for one calendar month after the plans and specifications have been delivered to him) according to the plans and specifications to be approved by an engineer to be appointed by the Board of Trade on the application of either party; and the same works shall be commenced, carried on, and completed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Conservancy Board and at the expense of the Company, and the Company shall from time to time pay to the Conservancy Board within fourteen days after demand all costs and expenses which may be incurred by them in and about such superintendence.

For protection of New River Company.

34. Nothing in this Act shall take away or abridge any power or authority now vested in the New River Company to open or break up any road along or across which any tramway by this Act authorised is laid for the purpose of repairing, altering, or strengthening any bridge, culvert, or tunnel by which the same road and tramway is carried over the New River, but in the exercise of such power the New River Company shall be subject to the provisions contained in section 32 of the "Tramways Act, 1870;" and if at any time or times hereafter any injury or damage shall be caused to any bridge, culvert, or tunnel by the working or use of such tramway, or if it shall become necessary to repair, alter, or strengthen any such bridge, culvert, or tunnel by reason of such working or use of the tramway, such repairs, alterations, or strengthenings shall be done at the cost of the Company, under the superintendence and to the reasonable satisfaction of the New River Company, and the Company shall make full compensation to the New River Company for all costs, charges, liabilities, and expenses caused by or incident to any such injury or damage.

Saving rights of Great Eastern Railway Company.

35. Nothing in this Act shall take away, prejudice, alter, or affect any of the rights, powers, or privileges granted to the Great Eastern Railway Company for the construction of their metropolitan railways and works, or the bridges, sewers, alterations, or diversions of sewers and other works arising out of or incident to the same, but the said Great Eastern Railway Company shall in all respects have the same rights, powers, and privileges of constructing and maintaining the said works, and of stopping up, either permanently or temporarily, all such roads, streets, or thoroughfares as may be necessary for that purpose as if this Act had not passed, and the Great Eastern Railway Company shall not be liable to make to the Company compensation for any loss or injury sustained by the Company by reason of the stoppage of the works of or traffic on the tramway for a reasonable period in consequence of the execution

of the works of the Great Eastern Railway Company under the powers of their existing Acts.

Power to raise new capital.

36. The Company may from time to time raise, by the creation and issue of new shares, such sums of money as they shall think necessary, not exceeding in the whole three hundred and sixty thousand pounds in addition to the moneys which they are already authorised to raise by shares, and those new shares, to such an amount not exceeding one hundred and eighty thousand pounds as the Company think fit, may be preference shares.

Shares not to issue until one fifth paid up.

37. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person 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.

Calls.

38. One fifth of the amount of a share shall be the greatest amount of a call, and three 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 calls in any year upon any share.

Power to divide shares.

39. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

40. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have

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from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

41. Each preferred half share shall be entitled, out of the profits of each year, to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

42. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

43. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

44. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

45. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

46. The several half shares under this Act shall be half shares in the capital of the Company, and every two preferred or deferred half shares held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-

before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Receipts on behalf of incapacitated persons.

47. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of his guardian or committee, as the case may be, shall be a sufficient discharge to the Company for the same.

Power to borrow on mortgage.

48. The Company may from time to time borrow on mortgage in addition to the sums which they are already authorised to borrow, any sum or sums not exceeding in the whole ninety thousand pounds, and of that sum they may borrow from time to time not exceeding ten thousand pounds in respect of every forty thousand pounds of the said capital of three hundred and sixty thousand pounds by this Act authorised to be raised by shares; but no part of any such sum of ten thousand pounds shall be borrowed until the whole of the respective forty thousand pounds of capital in respect of which it is to be borrowed is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies) that the whole of the respective forty thousand pounds of capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such forty thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective forty thousand pounds of capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their 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.

For appointment of a receiver.

49. 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, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than five thousand pounds in the whole.

Moneys borrowed on mortgage to have priority.

50. All moneys to be borrowed on mortgage under any former Act relating to the Company, or under this Act, from the time

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when the same shall be advanced, and the interest for the time being due thereon, shall (except as otherwise provided by the next following section of this Act) have priority against the Company, and all 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 them; but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act, or injuriously affected by the construction of the tramway, or by the exercise of any of the powers conferred upon the Company.

Existing mortgages to have priority.

51. All mortgages granted by the Company under the authority of the Acts of 1869 and 1870, which shall be subsisting at the passing of this Act, shall, during the continuance thereof, have priority over all mortgages granted under the authority of this Act.

Application of moneys.

52. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Period for completion of works.

53. The tramways shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Land by agreement.

54. The Company may from time to time purchase and acquire (by agreement), in addition to any land which they are already authorised to acquire, such land as they may require for their undertaking, not exceeding in the whole twenty acres.

Extending sections 67 and 68 and 70 to 73 of the Act of 1869 to this Act.

55. The Company may demand and take in respect of the tramways the tolls and charges which they are by the Act of 1869 authorised to demand and take with respect to the tramways by that Act authorised, as if the tramways had formed part of the tramways by that Act authorised, and sections sixty-seven and sixty-eight, and seventy to seventy-three, both inclusive, of the Act of 1869, and section 34 of the Act of 1870, are incorporated with and form part of this Act, and shall extend and apply to the tramways by this Act authorised, and the passengers using the same, and the tolls to be taken for the use of the same, as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto: Provided always, that section 67 of the Act of 1869 shall be read and construed as if the period of one year had been mentioned therein instead of the period of three years.

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For facilitating interchange and transmission of through traffic.

56. If the Metropolitan Board of Works at any time or times hereafter give notice to the Company stating that in their opinion the Company have not made or are not carrying out proper arrangements for facilitating the interchange and forwarding of traffic coming from or destined for any tramway which belongs to any other company or person and forms an authorised junction with any tramway authorised by this Act, and the Company do not within fourteen days after delivery of such notice to them make arrangements in that behalf to the satisfaction of the said Board, the Board of Trade may and shall from time to time, upon representation by the Metropolitan Board of Works, appoint a referee to inquire into the truth of such representation in the manner prescribed by section 63 of "The Tramways Act, 1870," and if such referee report that such representation is true, the Board of Trade may make such regulations, including, if that Board so think fit, arrangements for booking through the traffic or any part thereof, and the fixing of through fares and rates as, having regard to all the circumstances of the case, they may deem expedient for providing for such interchange and forwarding of traffic with as little inconvenience as may be to the public, and after fourteen days from the date of the delivery of a copy of any such regulation to the Company the same shall be binding upon the Company, and may be enforced in the same manner as regulations made by the local authority under section 46 of "The Tramways Act, 1870:" Provided always, that if and whenever the Board of Trade fix any through rate or fare under this section, they shall at the same time fix and determine the proportions in which such through rate or fare shall be divided between and belong to the Company and the other companies or company interested, and in fixing and determining such proportions the said Board shall take into account all the circumstances of the case, including the actual and relative cost of construction and maintenance of the respective tramways and works of the respective companies, and the said Board may from time to time rescind, alter, or vary any order which they may make under this section.

Interest not to be paid on calls paid up.

57. The Company shall not, out of any money by this Act authorised to be raised by calls 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.

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

58. 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.

Tramways not exempt from provisions of general Acts.

59. 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.

Expenses of Act.

60. 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.

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