CHAPTER cxi.

An Act to confer further powers on the North Metropolitan Tramways Company with reference to the construction of works and the raising of money; and for other purposes. A.D. 1877.

[23d July 1877.]

WHEREAS by "The North Metropolitan Tramways Act, 1869," (in this Act called "the Act of 1869,") and "The North Metropolitan Tramways Act, 1870," (in this Act called "the Act of 1870,") and "The North Metropolitan Tramways Act, 1871," (in this Act called "the Act of 1871,") the North Metropolitan Tramways Company (in this Act called "the Company") were empowered to make, maintain, work, and use the several tramways in those respective Acts mentioned and described: 32 & 33 Vict. c. ci. 33 & 34 Vict. c. clxxiii. 34 & 35 Vict. c. clxxix.

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 to raise additional capital for that purpose:

And whereas plans and sections showing the lines and levels, and indicating 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:

A.D. 1877.

Short title.

1. This Act may be cited for all purposes as "The North Metropolitan Tramways (New Works) Act, 1877."

Certain 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 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; and

The provision to be made for affording access to the special Act; and

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 tramways" shall mean the tramways and works by this Act authorised;

The expression "the undertaking" shall mean the undertaking of the Company as authorised by the recited Acts relating to the Company and this Act;

For the purposes of this Act the word "contingencies" in section one hundred and twenty-two of "The Companies Clauses Consolidation Act, 1845," shall be construed to include the contingency of the undertaking being sold to the local authority under section forty-three of "The Tramways Act, 1870," at a

sum less than the aggregate amount of the capital and debts of the Company; and

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act and in any Act wholly or in part incorporated herewith, shall 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.

Power to make tramways according to deposited plans.

4. Subject to the provisions of this Act and of Parts II. and III. of "The Tramways Act, 1870," the Company may make, form, lay down, work, use, and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are:

The Kingsland Road and City route, distinguished on the deposited plans by the numbers 1, 1A, 1B, 1C, and 1D, consisting of seven chains and eleven yards of single line, and of four furlongs seven chains and eleven yards of double line, and commencing by junctions with the existing tramways of the Company at or near the south end of Kingsland Road and Hackney Road respectively, and passing thence into and along High Street Shoreditch, Norton Folgate, and Bishopsgate Street Without, and terminating in Bishopsgate Street Without, five chains or thereabouts south of the end of Sun Street;

The Highbury and City route, distinguished on the deposited plans by the numbers 2, 2A, 2B, 2C, 2D, 2E, 2F, 2G, and 2H, and consisting of one furlong and eight chains of single line, and of seven furlongs and eight chains of double line, and commencing by a junction with the existing tramway of the Company at or near the south-east end of Holloway Road, and passing thence into and along Saint Paul's Road, Canonbury Road, Canonbury Square, New North Road, and terminating by junctions with the existing tramways of the Company at or near the end of Mintern Street;

The Limehouse and Hackney route, distinguished on the deposited plans by the numbers 3, 3A, 3B, 3C, and 3D, and consisting of three furlongs one chain and eleven yards of single line, and of four furlongs two chains and eleven yards of double line, and commencing by a junction with the existing tramways of the Company at or near the intersection of Grove Road and Old Ford Road, and passing thence in a northerly direction

A.D. 1877.

along Grove Road, Grove Street, Terrace Road, and Cassland Road, and terminating in Cassland Road three and a half chains or thereabouts east of Terrace Road;

The Limehouse and Bethnal Green route, distinguished on the deposited plans by the numbers 4, 4A, 4B, 4C, 4D, and 4E, and consisting of one mile and three chains of single line, and of one furlong three chains and eleven yards of double line, and commencing by a junction with the existing tramway of the Company at or near the east end of Hackney Road, and passing thence into and along Prospect Place, Bishop's Road, Sewardstone Road, Bonner's Road, and Old Ford Road, and terminating by a junction with the existing tramway of the Company at or near the intersection of Old Ford Road and Grove Road;

The Ball's Pond Road and Hackney route, distinguished on the deposited plans by the numbers 5, 5A, 5B, 5C, 5D, 5E, and 5F, and consisting of one furlong six chains and eleven yards of single line, and of five furlongs five chains and sixteen and a half yards of double line, commencing by a junction with the existing tramways of the Company at or near the east end of Ball's Pond Road, and passing thence into and along Dalston Lane and Graham Road, and terminating by a junction with the existing tramways of the Company in Mare Street, Hackney, at or near the eastern end of Graham Road;

The tramway distinguished on the deposited plans by the number 6, being a single line three chains in length, commencing in Stamford Hill by a junction with the existing tramway of the Company at or near the end of Cazenove Street, and terminating in Cazenove Street two chains or thereabouts from Stamford Hill;

And the tramways by this Act authorised shall for all purposes be part of the undertaking of the Company: Provided always, that the Company shall exercise the powers for the construction of the tramways by this Act authorised subject to the following conditions and restrictions; (that is to say,)

(1.) They shall not, without the consent of the Court of Common Council and the Commissioners of Sewers for the City of London, make, form, or lay down any tramway in the city of London or the liberties thereof:

(2.) They shall not, without the consent of the Board of Works for the Whitechapel District, make, form, or lay down any tramway within the said district:

(3.) They shall not, without the consent of the Vestry of the parish of Saint Leonard Shoreditch, lay down more than a single line of tramway over the bridge carrying the New North Road over the Regent's Canal at or near the junction of Baring Street with the New North Road:

(4.) They shall not, without the consent in writing of the Great Eastern Railway Company under their common seal, construct or lay down so much of tramway numbered 1 as lies between the points marked and measured on the deposited plans two furlongs and fifty links and two furlongs six chains and fifty links: Provided nevertheless, that unless and until the said portion of Tramway No. 1 shall be constructed, they may make and use junctions between Tramway No. 1 and Tramway No. 1A at or near the last-mentioned points respectively:

(5.) The Company shall not, without the consent of the Metropolitan Board of Works, construct any portion of Tramways Nos. 1, 1A, and 1B, situate south of Bethnal Green Road, unless the Board of Works for the Whitechapel District and the Commissioners of Sewers for and the Court of Common Council of the City of London consent to the construction of the said tramways to their termination south of Sun Street as shown on the deposited plans.

Certain portions of tramways not to be used for through traffic.

5. So much of the tramways numbered respectively 5 and 5F hereby authorised in Mare Street, Hackney, by which junctions are formed with the existing tramways of the Company, shall be used only for providing access to any warehouses, stables, carriage-houses, or works of the Company, and not for purposes of through traffic, except with the written consent of the Board of Works for the Hackney District.

Removal of same in a certain event by the Company,

6. If at any time after the construction of so much of the tramways numbered respectively 5 and 5F by this Act authorised in Mare Street, Hackney, by which junctions are formed with the existing tramways of the Company, the Hackney District Board of Works shall give notice in writing to the Company that such portions of tramways ought to be removed, the Company shall forthwith remove and abandon the same, and make good the street or streets in which such portions of tramways are situate to the satisfaction of the surveyor for the time being of the said board.

Or by district board.

7. If the Company fail to remove the aforesaid portions of the said tramways numbered respectively 5 and 5F at the request of the Hackney District Board of Works, or to make good the street

A.D. 1877.

or streets in manner aforesaid, the removal and making good may be effected by the said board, and the amount of the cost thereof, as certified by the surveyor for the time being of the said board (whose certificate shall be final and conclusive with reference thereto), shall be repaid to the said board by the Company.

Mode of formation of tramways.

8. 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, and to be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the street; and no tramway shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Power to make additional crossings, &c.

9. The Company may, subject to the provisions of this Act, with the consent of the local authority and road authority, from time to time make, maintain, alter, and remove such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramways, or for providing access to any warehouses, stables, or carriage-houses, 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 it and the outside of the foot-path on either side of the road, if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed shall, by writing under their hand addressed to the Company, express their objection thereto.

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

10. If and whenever after the passing of this Act any road authority shall 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.

Further provisions as to construction of tramways.

11. In addition to the requirements of section twenty-six 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 and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six 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.

12. The Board of Trade may from time to time, upon the application of the local authority, 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.

13. 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 tramway and the substructure upon which the same rest; and if the Company at any time fail to comply with this provision, or with the provisions of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues, and such penalty shall be a penalty within the meaning of section fifty-six of the said Act.

Application of road materials excavated in construction of works.

14. Any paving, metalling, or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section twenty-eight of "The Tramways Act, 1870," required to maintain, and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor 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,

A.D. 1877.

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.

Preserving the rights of the Metropolitan Board of Works under the Tramways Act, 1870.

15. Nothing in this Act contained shall take away, prejudice, or affect any of the rights, powers, privileges, or authorities of the Metropolitan Board of Works under the Tramways Act, 1870.

Company not to stop up streets without consent of the Metropolitan Board of Works.

16. The Company shall not, in the construction of any of the tramways by this Act authorised, close, stop up, or interfere with any street so as to prevent the passage of carriage or foot traffic along such street without the previous consent in writing of the Metropolitan Board of Works under the hand of their clerk or engineer-in-chief for the time being; and every such closing or stopping up shall be for such time and upon such conditions as the Metropolitan Board of Works shall by such consent allow.

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

17. 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 dispute as herein-after mentioned, according to plans and specifications to be approved by a referee to be appointed by the Board of Trade as herein-after provided, 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, and to their engineer his charges for his superintendence; provided that if the engineer for the time being of the Canal Company shall not, within one calendar month from the day on which the said plans and specifications shall have been submitted to him as aforesaid, have signified in writing his disapproval thereof, he shall be deemed to have approved thereof. If any dispute shall arise between the Company and the Canal Company as to the mode of laying their tramway over any bridge or tunnel by which any public road is carried over the canal as aforesaid, or as to the works necessary for the same, such dispute shall be referred to some competent engineer to be agreed on between the Company and the Canal Company, or in case they shall not agree upon a referee within one calendar month from the day on which the engineer for the time being of the Canal Company shall have signified in writing his disapproval of the said plans and specifications, then to a referee to be appointed by the Board of Trade, and the decision of every such referee shall be final and binding on the parties.

Saving rights and protecting works of the North London Railway Company.

18. 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 North London Railway Company, and the Company shall not, without the consent in writing of the North London Railway Company under their common seal first had and obtained, take, use, or in any manner interfere with any part of the North London Railway or the works connected therewith, save that the Company may nevertheless lay their tramways over any bridge by which any public road is carried over the North London Railway, and the works necessary for the same shall be executed in such manner only as shall not injure or affect the structure of any such bridge, and according to plans and specifications to be submitted to and previously approved by the engineer for the time being of the North London Railway Company, or, in the event of dispute as herein-after mentioned, according to plans and specifications to be approved by a referee to be appointed by the Board of Trade as herein-after mentioned, 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 North London Railway Company; provided that if the engineer for the time being of the North London Railway Company shall not, within one calendar month from the day on which the said plans and specifications shall have been submitted to him as aforesaid, have signified in writing his disapproval thereof, he shall be

A.D. 1877.

deemed to have approved thereof. If any dispute shall arise between the Company and the North London Railway Company as to the mode of laying their tramway over any bridge by which any public road is carried over the North London Railway as aforesaid, or as to the works necessary for the same, such dispute shall be referred to some competent engineer to be agreed on between the Company and the North London Railway Company, or in case they shall not agree upon a referee within one calendar month from the day on which the engineer for the time being of the North London Railway Company shall have signified in writing his disapproval of the said plans and specifications, then to a referee to be appointed by the Board of Trade, and the decision of every such referee shall be final and binding on the parties.

Saving rights and protecting works of the Great Eastern Railway Company.

19. The Company shall construct the tramways numbered 1 and 1A over the under-bridge which carries Shoreditch High Street over the main line of the Great Eastern Railway Company, so far as they affect the said under-bridge, according to such plans and sections as shall be submitted to the engineer for the time being of the Great Eastern Railway Company and approved by him in writing before the parts of the said tramways over the said under-bridge are commenced; provided that if the engineer of the Great Eastern Railway Company does not signify his approval or disapproval of such plans within one calendar month after they are so submitted to him, they shall be deemed to be approved by the Great Eastern Railway Company, and the said tramways, so far as they affect the said bridge, shall be constructed in accordance with such plans under the superintendence and to the reasonable satisfaction of the said engineer of the Great Eastern Railway Company, and the Company shall in constructing the said tramways interfere as little as possible with the access to the Bishopsgate Low Level Station of the Great Eastern Railway Company; the reasonable costs and expenses of the Great Eastern Railway Company of and incidental to the approval of such plans and superintending the laying down of the tramways to be paid by the Company.

If at any time after the said tramways numbered 1 and 1A are constructed over the said bridge the Great Eastern Railway Company require to widen or improve their said main line and the works and conveniences connected therewith, and for those purposes or any of them, or for any purpose incidental thereto, require to take up the tramways over the said bridge, or to stop the traffic along the same, they shall be at liberty to do so, for such reasonable time as may be necessary for the construction of such works, without being liable to

pay to the Company any compensation whatsoever for loss of revenue or otherwise.

Any difference arising between the Company and the Great Eastern Railway Company under this section shall be settled by arbitration in manner provided by "The Railway Companies Arbitration Act, 1859."

For protection of Post Office telegraphs.

20. If in the execution of the works by this Act authorised the Company desire to alter, remove, or otherwise interfere with any telegraph poles, tubes, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, the following provisions for the protection of Post Office telegraphs shall apply; (that is to say,)

(Notice to be given before interfering with telegraphs.)

(1.) Before the Company alter, remove, or interfere with any such telegraph poles, tubes, wires, or telegraph apparatus, the Company shall give to the Postmaster General one calendar month's previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto; and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Company, give the Company notice of his intention so to do, he may execute at the cost of the Company, and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, tubes, wires, or telegraph apparatus so required to be altered, removed, or interfered with; using all due despatch in the execution thereof, and not interfering with or obstructing the use of the tramway. If at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster General, along substituted wires to be provided by the Company at their own expense to the satisfaction in all respects of the Postmaster General:

(Compensation by Company to Postmaster-General, and penalty.)

(2.) Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of any such

A.D. 1877.

alteration, removal, or other interference with any telegraph post, tube, wire, apparatus, or work of the Postmaster General causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

(Saving for Telegraph Act.)

(3.) Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General under or by virtue of "The Telegraph Act, 1868."

Extending section 17 of Act of 1869.

21. Section seventeen of the Act of 1869 (for the protection of the sewers of the Metropolitan and other boards, etc.) 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.

For the protection of the Vestry of St. Matthew Bethnal Green.

22. For the protection of the Vestry of the parish of Saint Matthew Bethnal Green (herein-after in this section called the vestry), the following provisions shall have effect with reference to the construction of the tramways by this Act authorised in the streets and roads known as Prospect Place and Old Ford Road, in the said parish; (that is to say,)

(1.) The Company will not, without the consent in writing of the vestry under their common seal, until the said Prospect Place shall have been widened between the points and to the extent indicated on a plan signed in duplicate by George Hopkins, as engineer for the Company, and Robert Voss, as vestry clerk for the vestry, lay down or construct any tramway in or along the carriageway of the said Prospect Place:

(2.) The Company will not, without the consent in writing of the vestry under their common seal, lay down or construct any tramway upon or over the said bridge carrying the Old Ford Road over the Regent's Canal:

(3.) If within three years from the passing of this Act, or within any time to which the powers of the Company to lay down

any tramways in Prospect Place shall be extended, the vestry shall, by themselves or in conjunction with the Metropolitan Board of Works, widen the said Prospect Place between the points aforesaid, the Company will contribute to the total cost of and incident to such widening either (at the option of the vestry) a sum of money equal to one fourth part of such cost, or a sum of three thousand pounds:

(4.) Provided that if the vestry shall elect to be paid one fourth of the said cost, the amount thereof shall be paid in manner following; (that is to say,) one eighth of the amount which the surveyor for the time being of the vestry shall certify to be the estimated cost, so soon as the work of the said widening shall have been begun, and the balance of the said one fourth so soon as the actual cost has been ascertained:

(5.) Provided also, that if the vestry shall elect to be paid the sum of three thousand pounds, the same shall be paid so soon as the work of the said widening has been begun:

(6.) Provided also, that if any dispute shall arise between the Company and the vestry as to the amount of the said total cost, or in relation to anything herein contained, such dispute shall be referred to the arbitration of a referee to be nominated, in case the Company and the vestry cannot agree upon an arbitrator, by the President for the time being of the Institution of Civil Engineers:

(7.) Where in the said parish of Saint Matthew Bethnal Green the Company shall, under the powers conferred on them by this Act, lay down any tramways on any road or part of a road not then paved and which does not exceed thirty feet in width between the kerbs of the footways, the Company shall, when 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 paving and other works thereof shall be executed with such materials as shall be directed by the vestry or their surveyor, and to the satisfaction of such surveyor, and shall afterwards, so far as is provided by "The Tramways Act, 1870," be repaired and maintained by the Company:

(8.) Where in any street or road in the said parish 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

A.D. 1877.

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:

(9.) The provisions of section twenty-eight 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 in the said parish 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:

(10.) From and after the completion of the tramways in the said parish, so much of the said roads on which the same are laid, together with the said tramways, shall be maintained by the Company to the satisfaction of the vestry; and if after the expiration of seven days notice, signed by the surveyor for the time being of the vestry and delivered at the office of the Company, of any defects or want of repair in so much of the said roads or tramways as aforesaid, the Company shall fail to commence and carry out with due despatch the works necessary for remedying any such defects or want of repair, it shall be lawful for the vestry to execute such last-mentioned works and to charge the expense thereof against the Company.

As to roads in the district of the Board of Works for Hackney.

23. With respect to the making, forming, laying down, maintaining, repairing, or renewing of any of the tramways by this Act authorised in the parishes of Hackney and Saint Mary Stoke Newington, or either of them, the following provisions shall apply:

(A.) In the case of a single line of tramway being constructed in any road or part of a road exceeding twenty-eight feet in width between the kerbs of the footways, the Company shall at their own expense pave, and at all times keep paved in good condition and repair, twenty feet in width of such road or part of road; and where a double line of tramway shall be constructed in any road or part of a road exceeding twenty-eight feet in width between the kerbs of the footways, the Company shall at their own expense pave, and at all times keep paved in good condition and repair, twenty-eight feet in width of such road or part of road, with such materials as shall be

directed by the Board of Works for the Hackney District, or their surveyor for the time being, and to the satisfaction of such surveyor:

(B.) Where the Company form and lay down any tramway or 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 tramway or 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 for the time being, 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 tramways nearest to the kerbs to be made with asphalte instead of being paved, the Company shall make them with asphalte:

(C.) The provisions of section twenty-eight 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 one or two lines of tramways are by this Act authorised to be laid where such road shall not exceed twenty-four feet in width:

(D.) Where the tramway or tramways is or are formed and laid down in any road or part of a road 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:

(E.) The Company in laying down the tramway or tramways in any road or part of a road may use for that purpose any of the old materials of the roads which are proper to 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.

A.D. 1877.

For the protection of the Vestry of St. Mary Islington.

24. For the protection of the Vestry of Saint Mary Islington (herein-after in this section called "the vestry"), the following provisions shall have effect with reference to the tramways distinguished on the deposited plans by the numbers:

(1.) Every tramway authorised by this Act within the parish of Saint Mary Islington shall be so laid that the space between the kerb of the footpath on either side of the road and the groove of the nearest rail shall not be less than ten feet six inches:

(2.) The Company shall pave with granite cubes the whole of the roadway between the kerbs for the entire length of the said tramways:

(3.) The Company shall, so far as practicable, work the Highbury and City route, of which the said tramways form part, as part of a through route between the City and Upper Holloway:

(4.) The Company shall not use so much of the said tramways as is situate at Highbury Corner as a terminal stopping-place:

(5.) If the Company lay the said tramways in the New North Road, in the said parish, on, or use any of, the existing granite cubing in that road, they shall pay the vestry for the same at such price as shall be agreed upon, or as, failing agreement, shall be settled by arbitration in the manner provided by "The Lands Clauses Consolidation Act, 1845," for the settlement of questions of disputed compensation.

Power to raise additional capital.

25. The Company may, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise by the creation and issue of new shares any additional capital not exceeding in the whole eighty thousand pounds, and such new shares may be wholly or partially ordinary shares or wholly or partially preference shares, as the Company think fit, 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.

Calls.

26. 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.

Restriction as to votes in respect of preferential shares.

27. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares created by the Company under this Act to which a preferential dividend shall be assigned.

Power to divide shares.

28. 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.

29. 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 once for all 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 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.

30. 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.

31. 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

A.D. 1877.

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 on certificates.

32. 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.

33. 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.

34. 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.

35. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, 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.

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

Power to borrow on mortgage.

37. The Company may, in respect of the additional capital of eighty thousand pounds which they are by this Act authorised to raise, 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 twenty thousand pounds, and of that sum they may borrow from time to time not exceeding five thousand

pounds in respect of every twenty thousand pounds of the said additional capital, but no part of any such sum of five thousand pounds shall be borrowed until shares for the whole of the respective portion of capital in respect of which it is to be borrowed are issued and accepted, and one half of such portion of capital 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 shares for the whole of the respective portion of capital have been issued and accepted, and that 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 the Company have proved to such justice as aforesaid, before he so certifies, that such shares were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and 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.

Arrears may be enforced by appointment of a receiver.

38. Section fifty-five of the Act of 1869, section sixty-five of the Act of 1870, and section forty-nine of the Act of 1871, respectively relating to the appointment of a receiver, are hereby repealed, but without prejudice to any appointment 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 those sections, or any or either of them. 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 arrears of principal, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than ten thousand pounds in the whole.

Moneys borrowed on mortgage to have priority.

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

A.D. 1877.

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.

40. All mortgages granted by the Company under the authority of the Acts of 1869, 1870, and 1871, 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.

Company not to create debenture stock.

41. The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

42. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section forty-three 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 respecting future purchase by the local authority.

43. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramway in the event of its being purchased by the local authority under the forty-third section of "The Tramways Act, 1870."

Application of moneys.

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

Penalty if tramways not opened within time limited, unless prevented by accident, &c.

45. If the Company fail within the period limited by this Act to complete the tramways, or any of them, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said tramways are completed and opened for public traffic, or until the sums received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted tramway or tramways, and the said penalty may be applied for by any road authority, landowner, or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in the third section of "The Railway and Canal Traffic Act, 1854." Every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General on behalf of the Chancery

Division of the High Court of Justice in the bank and to the credit specified in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening any tramway by unforeseen accident, or by the want of any consent by this Act required to the making of any tramway, or by any other circumstances beyond the control of the Company; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

46. Every sum of money so recovered by way of penalty 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 tramway, or any portion thereof, in respect of the non-completion of which the same was recovered, and for which injury or loss no compensation or inadequate compensation shall have been paid, and also in compensating all road authorities for the expense incurred by them in taking up any such tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order, on the application of the Solicitor of 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 said Chancery Division, 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 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.

A.D. 1877.

Period for completion of works.

47. The tramways, other than the Limehouse and Bethnal Green route, shall be completed within two years from the passing of this Act, and the Limehouse and Bethnal Green route shall be completed within one year from the completion of the widening of Prospect Place, or within three years from the passing of this Act, whichever shall first happen; and on the expiration of those periods respectively, the powers by this Act granted to the Company for executing the said tramways respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Land by agreement.

48. 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 one acre.

Tolls and charges. Certain sections of Acts of 1869 and 1870 incorporated with this Act.

49. 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-one to seventy-three (both inclusive) of the Act of 1869, and section thirty-four 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.

Company not to carry animals and goods.

50. The Company shall not carry on any of their tramways any goods, animals, or things other than passengers and passengers luggage not exceeding the weight prescribed by the Act of 1869, and parcels.

For facilitating interchange and transmission of through traffic.

51. 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

A.D. 1877.

inquire into the truth of such representation in the manner prescribed by section sixty-three 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 forty-six 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.

Saving rights of the Crown.

52. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); neither shall anything in the said Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Interest not to be paid on calls paid up.

53. 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

A.D. 1877.

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.

54. 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 present and future general Acts.

55. Nothing in this Act contained shall 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 by this Act or the Act of 1869.

Expenses of Act.

56. 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.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.