CHAPTER cxxxii.

An Act to authorise the London Tramways Company (Limited) to extend their Tramways and for other purposes. A.D. 1894.

[31st July 1894.]

WHEREAS on the fourteenth day of December one thousand eight hundred and seventy the London Tramways Company (Limited) (in this Act called "the Company") were duly registered under and in accordance with the provisions of the Companies Acts 1862 and 1867 and by the London Tramways Company (Limited) (Purchase) Act 1873 (in this Act called "the Act of 1873") the Metropolitan Street Tramways Company and the Pimlico Peckham and Greenwich Street Tramways Company respectively were authorised to sell to the Company their respective undertakings and the undertakings of those companies were respectively sold and transferred to the Company under the provisions of that Act and are now vested in the Company:

And whereas divers Acts of Parliament and Provisional Orders (confirmed by Parliament) have also been passed and made and are now in force in relation to the undertakings so transferred to and vested in the Company or to the Company and their undertaking and the Company's system has from time to time been extended and further powers have been conferred upon the Company:

And whereas the tramways and works in this Act described would be of public and local advantage and it is expedient that the Company should be authorised to construct and execute the same and that the further powers hereinafter contained be conferred upon the Company:

And whereas plans and sections showing the situation lines and levels of the tramways and works authorised by this Act and books of reference to those plans and certain amended plans and sections showing certain alterations in the said tramways and books of reference thereto have been deposited with the clerk of the peace

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for the county of London which amended plans and sections and books of reference are hereinafter respectively referred to as the deposited plans sections and books of reference:

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 as the London Tramways Company (Limited) Act 1894.

Incorporation of portions of of the Tramways Act 1870.

2. Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the expression "cable power" means and includes haulage by means of wire ropes cables chains or other appliances placed underground and worked by stationary engine power and the expression "the Wandsworth Board" means the Board of Works for the Wandsworth district and the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Power to make tramways.

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 in the county of London the tramways hereinafter 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 hereinbefore referred to and authorised by this Act are—

A tramway No 1 (double line) two furlongs and six chains or thereabouts in length situate wholly in Streatham Hill commencing by a junction with the existing tramway of the Company at its termination at or about the junction of Telford Avenue with Streatham Hill and terminating at or about the junction of Leigham Court Road West with Streatham Hill:

A tramway No. 2 (double line) two furlongs and one chain or thereabouts in length commencing by a junction with the

tramway No. 1 by this Act authorised at its termination passing thence in a southerly direction along Streatham Hill and the High Road Upper Streatham and terminating in that road at a point about five chains south of Leigham Avenue:

A tramway No. 3 (double line) one furlong four chains and seventy-five links or thereabouts in length commencing by a junction with tramway No. 2 by this Act authorised at its termination passing thence in a southerly direction along and terminating in the High Road Upper Streatham opposite the Tate Free Public Library.

As to construction of tramways.

5. The tramways by this Act authorised shall be constructed throughout as a double line of tramway and no part of the tramways by this Act authorised shall be laid until the road along which it will be formed and the footways co-extensive therewith shall have been widened or altered to the satisfaction of the London County Council and the Wandsworth Board to be expressed in writing and so that a space of not less than nine feet and six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

For the protection of the Board of Works for the Wandsworth district.

6. For the protection of the Wandsworth Board the following provisions shall have effect and be observed with respect to the construction and maintenance of the tramways within the district of the Board (that is to say):—

(1.) The Company shall not commence the construction of any of the tramways or works by this Act authorised until they shall have given to the Wandsworth Board twenty-eight days' notice in writing of their intention to commence the same by leaving such notice at the office of the Wandsworth Board with plans elevations sections and other necessary particulars of the construction of the said tramways and works nor until the Wandsworth Board shall have signified their approval of the same unless the Wandsworth Board fail to signify such approval or their disapproval or other directions within twenty-eight days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid in which event the Company may proceed forthwith with the works according to the said plans elevations and sections and in case such plans elevations sections and other particulars are not agreed upon any difference between the Company and the Wandsworth Board with reference to any of the matters aforesaid shall be determined in manner provided

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by the Tramways Act 1870 with respect to differences between the promoters and any road authority:

(2.) A double line of tramways shall be laid throughout and so much of the roadway as lies between the rails shall be paved by the Company at their own expense with approved asphalte or four inches by four inches chisel dressed granite setts laid and jointed as may be directed by the Wandsworth Board and so much of the roadway as extends three feet beyond the outer rails of and on each side of the tramways shall be paved by the Company at their own expense with approved asphalte four inches by four inches chisel dressed granite setts or Karri Jarrah or other hard wood blocks as may be directed by the Wandsworth Board Such paving to be laid on a foundation of eight inches of Portland cement concrete mixed in the proportions of six of Thames ballast to one of Portland cement or in such other manner as may be agreed upon between the Company and the Wandsworth Board On the outer side of the outer rail the Company shall be required by the Wandsworth Board provide chilled iron blocks alternately with hard wood blocks for the better preservation of the paving Provided that the Board shall before the commencement of the tramway determine the description of paving to be laid by the Company:

(3.) All the said works affecting any road shall be executed by the Company in manner in this Act directed under the superintendence and to the satisfaction of the Wandsworth Board and every portion of such road paved by the Company shall be deemed to be the road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the intent and meaning of this Act and the Tramways Act 1870 and the reasonable expense to which the Wandsworth Board is put on account of such superintendence shall be paid by the Company The words "two feet" in section 6 (2) of the London Tramways Company (Limited) Extensions Act 1889 shall be read as though three feet were therein substituted for two feet so far as relates to the maintenance of the Brixton Hill and Streatham lines:

(4.) No part of any road opened by the Company for the purpose of constructing the tramways shall without the consent of the Wandsworth Board be kept open more than twenty-one days and during that time the Company shall complete their works and shall provide proper means of ingress and egress

for vehicles to all premises along the line of route now provided therewith In default the Company shall be liable for each offence to a penalty of five pounds for every day during which such default continues and such penalty may be recovered by the Wandsworth Board in manner provided by section 56 of the Tramways Act 1870 :

(5.) So much of section 26 of the Tramways Act 1870 as provides that the promoters shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority unless that authority refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the works and that the promoters shall pay all reasonable expenses to which the road authority is put on account of such superintendence shall extend and apply also to the works referred to in the 27th and 28th sections of the said Act and the sub-paragraph (3) of this section :

(6.) Any paving metalling or material excavated or displaced by the Company in the construction of the tramways from any road under the jurisdiction or control of the Wandsworth Board shall be the property of the Wandsworth Board and the Company shall when and as required deliver the said paving metalling or material to the surveyor for the time being of the Wandsworth Board or to such person or persons as he may appoint to receive the same and at such depôt road street or place within the parish of Streatham as he may direct. Provided that if within seven days after the surveyor shall have given notice in writing to the Company of such depôt road street or place any such paving metalling or material is not delivered to the surveyor or such person or persons or at such depôt road street or place as aforesaid the Company shall forfeit and pay to the Wandsworth Board a sum not exceeding forty shillings for every day during which the said paving metalling or material is not so delivered and such penalty shall be recoverable by and payable to the Wandsworth Board and shall be a penalty within the meaning of section 56 of the Tramways Act 1870 Any difference between the Company and the Wandsworth Board or surveyor or other person with reference to any matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority :

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(7.) The Company shall at all times with such materials and in such manner as the Wandsworth Board shall direct and to their satisfaction maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways of the Company and the substructure upon which the same rest and the paving laid down by the Company up to and including three feet beyond the outside rails of the tramways and if the Company at any time fail to comply with this provision or with any provisions of section 28 of the Tramways Act 1870 they shall (without prejudice to the enforcement in any manner of the requirements of this Act or to any other remedy against the Company) be subject to a penalty of not exceeding five pounds for every day on which such act of omission continues after forty-eight hours' notice shall have been given to or left at the office of the Company by or on behalf of the clerk or surveyor for the time being of the Wandsworth Board and such penalty shall be recoverable by and payable to the Wandsworth Board and shall be a penalty within the meaning of section 56 of the said Act The proviso in section 28 of the Tramways Act 1870 empowering the road authority if the promoters fail to comply with the provisions of that section after seven days' notice to the promoters to do the works therein mentioned and recover the expenses thereof from the promoters shall be read as though three days were therein substituted for seven days and as so altered shall extend and apply not only to the works necessary for the repairs and maintenance in that section mentioned but also to the works necessary for the maintenance and repairs in this section provided for:

(8.) The rails to be used in laying the whole of the tramways shall be of the best steel used for the purpose and drawings sections and specifications together with samples of the said rails and chairs and the sub-structure on which the rails are to be laid shall be submitted to and approved by the Wandsworth Board before the Company commence the construction of any part of the tramways Provided that if the Wandsworth Board shall fail to signify their approval or disapproval in writing for the space of twenty-eight days from the delivery to them of such samples drawings sections and specifications they shall be deemed to have approved the same and in the event of any dispute arising between the Company and the Wandsworth Board upon any such samples drawings sections and

specifications the same shall be decided in manner provided by section 33 of the Tramways Act 1870 for settlement of disputes between road authorities and promoters :

(9.) No bell or other similar thing shall be used by the Company or attached to their carriages horses or harness except such as the Company may be required to use in pursuance of any regulation of the Board of Trade without the consent in writing of the Wandsworth Board under their common seal nor shall such bells or similar things be continued to be used by them if after such consent has been so given it shall at any time be revoked in writing as aforesaid and the Company shall be liable to a penalty of forty shillings for every day on which they fail to comply with the provisions of this section such penalty to be recoverable by and payable to the Wandsworth Board and such penalty shall be a penalty within the meaning of section 56 of the Tramways Act 1870 :

(10.) The Company on the one hand and the Wandsworth Board on the other hand may from time to time enter into and carry into effect agreements with respect to the cost of widening and improving by the Wandsworth Board of any roads streets courts passages and footpaths within the district of the Wandsworth Board and as to the contribution by the Company towards the moneys to be expended on such works and such contribution and any other sums payable under this section by the Company to the Wandsworth Board shall be deemed purposes of this Act to which the Company are by this Act authorised to apply moneys :

(11.) If the Company shall in the district of the Wandsworth Board fail to comply with the provisions contained in subsection 4 of section 26 of the Tramways Act 1870 they shall be liable to a penalty of five pounds for every day during which such failure shall continue such penalty to be recoverable by and payable to the Wandsworth Board :

(12.) In addition to any other provisions of this Act the Company shall maintain and keep the tramways by this Act authorised and all other tramways belonging to or leased by the Company within the district of the Wandsworth Board in good condition and repair to the reasonable satisfaction of the Wandsworth Board and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty of five pounds for every day on which such default

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continues and such penalty may be recovered by the Wandsworth Board in manner provided by section 56 of the Tramways Act 1870:

(13.) If in the opinion of the Wandsworth Board it shall be necessary for the better laying down and construction of the tramways or in consequence of the construction of the tramways to alter the width level or formation of the roadway or footpath in any road or street and such alteration is effected by the Wandsworth Board the expense thereof including the kerbing repaving channelling and raising or lowering the roadway or footpath the shifting of sewer entrances gullies and lamp columns and all other works in connection with such alteration shall be paid by the Company to the Wandsworth Board:

(14.) The Company shall not without the consent of the Wandsworth Board open for traffic any portion of the lines by this Act authorised to be constructed within the district of the Wandsworth Board until they have carried out and complied with all the provisions herein contained for the protection of the Wandsworth Board in respect of the portion of the line proposed to be open for traffic:

(15.) The Company shall within 14 days from the passing of this Act pay to the Wandsworth Board all costs charges and expenses (as taxed by the Taxing Officer of the House of Lords or of the House of Commons) incurred by the Wandsworth Board by or in consequence of the application for this Act The Company shall also pay to the Wandsworth Board all the costs charges and expenses incurred by the Wandsworth Board in the negotiations with respect to or in relation to the passing of this Act or which the Wandsworth Board may properly incur in connection therewith:

(16.) The Company shall provide and maintain in proper order where and as required by the Wandsworth Board appliances to prevent the overflow of water from the rails on to the road:

(17.) All accumulations of grease and other matter from the cable conduit shall as and when required by the Wandsworth Board be removed by the Company and in so doing the grease and other matter shall be lifted direct into a covered cart or other receptacle and forthwith taken away:

(18.) In cleaning out the grooves of the rails all the dirt and other matter removed shall be at once neatly placed near the channels and not kept near the rails and the whole of such dirt and

other matter shall be carted away by the Company within two hours of its removal from the rails :

(19.) There shall not at any one time be within seventy yards of the terminus more than two passenger cars and three dummies :

(20.) The Company shall be liable to a penalty of five pounds for every breach of any of the provisions of sub-sections 16 17 18 and 19 of this section such penalty to be recoverable by and payable to the Wandsworth Board Provided that such penalty shall not be enforceable in any case when such breach is due to inevitable accident.

For protection of bridges over London Brighton and South Coast Railway.

7.—(1.) Wheresoever the tramway is intended to be constructed upon a bridge carrying a road over a railway belonging to the London Brighton and South Coast Railway Company (hereinafter called "the railway company") the following provisions will apply :—

(A.) The Company shall give fourteen days' notice in writing to the railway company of their intention to commence the construction of the tramway and shall at the same time send sufficient specifications or other information to show the nature of the interference with the bridge :

(B.) If the engineer of the railway company shall be of opinion that the mode of constructing the tramway will render the bridge insecure or injure it and no method is agreed on of constructing the tramway to the satisfaction of the said engineer the matter shall be referred to some engineer to be agreed upon between the parties or if they cannot agree to be appointed by the Board of Trade and the award of such referee shall be binding upon both companies :

(C.) The works on the bridge shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the railway company :

(D.) Any additional expense in the maintenance of the bridge or of the roadway on the same or of the approaches thereto occasioned by the construction use and maintenance of the tramway shall be borne by the Company.

(2.) Notwithstanding anything contained in the deposited plans or in this enactment the Company shall not unless with the previous consent in writing of the railway company make any crossings passing places sidings junctions or other works so as to impede access to and from the stations of the railway company and shall not stop their tramcars opposite or adjoining any of the

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said stations so as to impede the traffic to or from the said stations or longer than may be reasonably necessary for the taking up and setting down of passengers.

For the protection of the Lambeth Waterworks Company.

8. In addition to the other provisions in this Act and in any other Act incorporated with this Act contained with reference to and for the protection of gas and water companies to the benefit of which the Company of Proprietors of Lambeth Waterworks (hereinafter called "the Lambeth Company") are entitled that company shall not be liable to pay any compensation to the Company for any injury which may be done by the Lambeth Company to the works of the Company nor for loss of traffic occasioned to the Company in the reasonable exercise and execution by the Lambeth Company of their ordinary powers for the supply of water or occasioned by an accidental burst or breakage of any main or pipe belonging to the Lambeth Company.

Time for completion of works.

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

Penalty imposed unless the line opened within the time limited.

10. If the Company fail within the period limited by this Act to complete the tramways authorised by this Act and open the same for public conveyance of passengers 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 sum received in respect of such penalty shall amount to five per cent. on the estimated cost of the tramways so uncompleted 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 and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 and 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 the said section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in the bank named in such order and shall not be paid thereout except as hereinafter 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 were prevented from completing or opening any tramway by unforeseen accident or circumstances beyond their control Provided that the

want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalties.

11. 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 said tramways or any portion thereof and for which injury or loss no compensation or inadequate compensation shall have been paid and in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England 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 if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

As to tolls &c.

12. Subject to the provisions of this Act the Company may demand and take in respect of the tramways by this Act authorised rates and charges equivalent to the tolls and charges which they are by the Metropolitan Street Tramways Act 1869 authorised to demand and take with respect to the tramways by that Act authorised and sections 64 65 and 69 of the said Act shall extend and apply to the tramways by this Act authorised and the rates and charges 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

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the expression "rates and charges" being substituted in each case for the expression "tolls and charges."

Artisans &c. cars to be run.

13. The Company at all times after the opening of the tramways by this Act authorised or any part or parts thereof for public traffic shall and they are hereby required to run not more than two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Wandsworth Board think most convenient for artizans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny):

And the Company shall be liable to a penalty of not exceeding five pounds per day for every day on which they fail to run any such carriage such penalty to be payable to and recoverable by the Wandsworth Board Provided always that the Company shall not be liable to any such penalty if the failure to run any such carriage arises from any act of the Wandsworth Board or their officers or from circumstances over which the Company have no control:

Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Wandsworth Board for the running of such carriages the Board of Trade shall have power to fix and regulate the same from time to time.

Company not to carry animals and goods on tramways.

14. The Company shall not carry on the tramways by this Act authorised any goods animals or other things other than passengers and passengers' luggage not exceeding the weight in that behalf mentioned in the Metropolitan Street Tramways Act 1869 and small parcels.

Periodical revision of tolls.

15. If at any time after three years from the opening for public conveyance of passengers of the tramways or any portion of the tramways by this Act authorised or after three years from the date of any order made in pursuance of this section in respect of such tramways or any portion of such tramways it is represented in writing to the Board of Trade by the local authority or by twenty inhabitant ratepayers of any district in which such tramways or such portion of tramways are or is wholly or partially situate or by the Company that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on such tramways or on such portion of tramways should be revised the Board of Trade may (if they think fit) direct an inquiry

by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any such rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on such tramways or on such portion of tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Act authorised.

Mode of formation of tramways.

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

Applying certain sections of Act of 1888.

17. Sections 30 and 31 of the London Tramways Company (Limited) Various Powers Act 1888 shall extend to and apply in the case of the tramways by this Act authorised or any of them or any part or parts thereof.

For protection of the Postmaster-General.

18. In the event of any tramways of the Company being worked by electricity the following provisions shall have effect :—

(1.) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of

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their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3.) (*a.*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(*b.*) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

(4.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(5.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section:

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid:

(11.) Section 32 of the London Tramways Company (Limited) Various Powers Act 1888 and so much of section 18 of the London Tramways Company (Limited) Extensions Act 1889 as extends and applies the first mentioned section to the tramways by the last-mentioned Act authorised is hereby repealed.

Inspection by Board of Trade.

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

Tramways to be kept on level of surface of road.

20. 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 tramways by this Act authorised is laid or authorised to be laid the Company may and shall from time to

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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.

Penalty for not maintaining rails and roads in good condition.

21. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be for every such offence subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty may be recovered in manner provided by section 56 of the said Act In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which any of such tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to the penalty or penalties in respect thereof which is or are by this section or by the section of this Act of which the marginal note is "For the protection of the Board of Works for the Wandsworth District" imposed as the case may be.

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

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

Further provisions

23. 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 constructing laying down maintaining or renewing any of the tramways by this Act authorised lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance or renewal of any of such tramways or part of any of such tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

as to construction of tramways.

24. Every local or sewer authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the local or sewer authority as if the same were a pipe for the supply of gas or water.

Local or sewer authority to have access to sewers.

25. The rails of the tramways by this Act authorised shall be such as the Board of Trade approve and the Board of Trade may from time to time upon the application of the local or road authority require the Company to adopt and apply such improvements in such tramways including the rails and substructure and formation 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 into effect any such improvements.

Company may be required to use improved form of rail.

26. The Company may subject to the provisions of this Act with the consent of the local 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 footpath on

Power to make additional crossings &c.

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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 to be laid shall by writing under his or their hand or hands addressed to the Company express his or their objection thereto.

Traffic to be suspended during works of drainage.

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

Tramways to be altered in case of alteration or widening of streets by the London County Council.

28. If and whenever the London County Council shall require to alter or widen any part of a street in which any tramway of the Company is laid the said Council may if they think fit (having given at least one month's previous notice in writing to the Company of their intention so to do) require the Company to alter any such tramway or portion of tramway or to remove the same to such position as the said Council may require and the Company shall with all reasonable despatch proceed to alter or remove such tramway or portion of tramway either temporarily or permanently accordingly at their own expense and without any claim for compensation against the said Council in respect of such removal or alteration for any loss of traffic or otherwise consequent thereon Provided that in making any permanent alteration or removal under this section no rail shall be so laid that a less space than nine feet six inches will intervene between it and the outside of the footpath on either side of the road.

Saving rights under Metropolitan Board Acts to stop up streets.

29. 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 of the London County Council as to stopping for public traffic any road or street Provided that in any case in which the said Council shall so stop up any road or street for public traffic the Company may with the consent of the said Council and

subject to such conditions and in accordance in all respects with such regulations as the said Council may from time to time make construct in any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway situate in the road or street so stopped up.

Temporary tramways may be made when necessary.

30. Where by reason of the execution of any work affecting the surface or soil of any road along which any tramway authorised by this Act is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent of the local authority subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued If any difference arise between the Company and the road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing or otherwise in relation to any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in that section mentioned.

Alteration of tramway to admit of erections in street.

31. If and whenever the London County Council or any road authority having power to place in any street any rest shelter urinal or similar convenience consider it necessary that the tramway or any part of it should be altered in order to permit such erection to be more conveniently made the Company shall after one month's previous notice in writing from the said Council or such other authority requiring them so to do make such alterations in the position of the tramway as the said Council or such other authority may reasonably require Provided that if the Company contend that the alterations required cannot be effected without unduly interfering with the use of the tramway they may appeal to the Board of Trade who may by order either confirm the requirement of the London County Council or such other authority with or without modification or refuse to confirm the same and in the event of the Board of Trade confirming the requirement either with or without

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modification the Company shall forthwith comply with the order of the Board of Trade in that behalf.

Penalty for not making alteration of tramway required.

32. If the Company fail to make any alteration which they may be required to make under this Act by the London County Council or road authority with respect to which they have not appealed to the Board of Trade within such reasonable time as the said Council or road authority may require or if the Company fail to comply with any order of the Board of Trade under this Act as to any alteration of the position of any tramway within such date as may be therein specified the Company shall be liable to a penalty of not exceeding ten pounds for every day during which the default shall continue and such penalty may be recovered in manner provided by section 56 of the Tramways Act 1870.

Power to use mechanical power.

33. The Company may subject to the provisions of this Act and with the sanction in writing of the Board of Trade under the hand of a secretary or assistant secretary of that Board (which sanction the Board of Trade are hereby on the application of the Company empowered from time to time to grant) use during such period not exceeding seven years as may in each case be prescribed by the Board of Trade and after the expiration of that period with the like sanction during further periods not exceeding seven years from time to time on the tramways by this Act authorised or upon any part or parts thereof as may from time to time be specified in any such sanction cable power for the purpose of moving the carriages upon such tramways or part or parts of tramways as the case may be Provided that the Company shall before applying for the sanction as aforesaid of the Board of Trade obtain the consent in writing of the London County Council and of the Board of Works for the Wandsworth District which consent the said Council and Board are hereby respectively empowered to give subject to such conditions as they may respectively deem desirable and the Company may erect and maintain all such engines works and machinery and may construct lay down and maintain renew and repair all such wire ropes tubes grooves rails works and apparatus as may be requisite for the purpose of so working the said tramways Provided that no such wire ropes tubes grooves rails works or apparatus laid in any road shall be laid or placed above the level of such road Provided further that nothing in this section shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by the erection and maintenance on any

lands belonging to them of any such engines works or machinery under the powers of this section.

As to use of cable power.

34. With respect to the use of cable power by the Company the following provisions shall have effect:—

(1.) Section 4 of the London Tramways Company (Limited) Act 1890 (hereinafter called "the Act of 1890") is hereby repealed and the exercise of the powers by that Act or this Act conferred upon the Company with respect to the use of cable power shall be subject to the regulations set forth in the schedule to this Act and to any regulations which after considering any representation of the London County Council may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by those Acts or either of them conferred with respect to the use of cable power on the tramways of the Company:

(2.) If the Company under the powers of the Act of 1890 or this Act use cable power on any of the tramways of the Company contrary to the provisions of this section or to any of the regulations set forth in the schedule to this Act or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company have made default in complying with the provisions of this Act with respect to the use of cable power or with any of the regulations set forth in the schedule to this Act or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to exercise the powers aforesaid and thereupon the Company shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order:

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(3.) Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which cable power may be used under the authority of this Act for all or any of the following purposes (that is to say) :—

For regulating the use of the bell whistle or other warning apparatus ;

For providing that carriages shall be brought to a stand at such places as the Board of Trade may deem proper for preventing accidents ;

For regulating the entrance to exit from and accommodation in the carriages while drawn or propelled upon the tramways by cable power and for the protection of passengers from the machinery used for drawing or propelling such carriages ;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to such tramways by exhibition of the same in conspicuous places on the carriages and elsewhere ;

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings :

(4.) The provisions of the Tramways Act 1870 with respect to the recovery of penaltics shall apply to any penalty under this section and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this section :

(5.) The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this section at which carriages are to be driven or propelled on tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed :

(6.) All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Limiting hours of work.

35. Every person employed by the Company upon or in connection with any of the tramways by this Act authorised shall be employed on the terms of not being required to work for a longer time than ten hours a day.

Purchase of tramways.

36. The tramways by this Act authorised shall for the purposes of section 43 of the Tramways Act 1870 be deemed to be part of the undertaking authorised by the London Tramways Company (Limited) Extensions Act 1889 as if they had been originally authorised by that Act.

Company not to charge higher rates on Sundays or bank holidays.

37. It shall not be lawful for the Company to take or demand on Sunday or on any bank or other public holiday any higher rates or charges than those levied or made by them on ordinary working days.

For preventing malicious damage.

38. Any person who shall unlawfully and maliciously take up remove or injure any tube machinery or apparatus of the Company used for or in connection with the working of any tramway by cable power or fix or place in the slots tubes or grooves of any such tramway so used any article matter or thing which might hinder or obstruct the working of such tramway or damage the same or the machinery apparatus or cars of the Company or shall unlawfully and maliciously do or cause to be done any other matter or thing with intent to impede or endanger the working of any such tramway by means of cable power or who shall unlawfully and maliciously aid or assist in or attempt to do any of the foregoing acts shall on being convicted thereof be deemed to be guilty of an offence against the provisions of section 36 of the Malicious Damage Act 1861 and be liable to the punishment imposed by that section upon persons offending against the provisions thereof.

Company may acquire patent rights.

39. For the purpose of using cable power on their tramways it shall be lawful for the Company to hold acquire and exercise patent and other rights or licences (not being exclusive) relating to cable power and its application to tramways.

Application of funds.

40. The Company may for any of the purposes of this Act to which capital is properly applicable from time to time apply any moneys for the time being in their hands or which they may for the time being have power to raise.

Provision as to general Tramway Acts.

41. Nothing in this Act contained shall exempt the tramways of the Company from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or

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alteration under the authority of Parliament of the maximum rates of tolls rates or charges authorised by the Metropolitan Street Tramways Act 1869 or this Act.

Costs of Act.

42. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

The cable machinery and every carriage used on the tramways shall be fitted with such breaks or appliances for bringing such machinery and carriages to a standstill as the Board of Trade may from time to time think sufficient. Appliances for preventing power from operating and break power.

Every carriage in direct connection with the cable machinery shall have its number shown in some conspicuous part thereof and shall be fitted:— As to fittings of dummy cars &c.

With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

With a seat for the person in charge of such carriage so placed as to command the full view of the road before him.

The Board of Trade may and shall on the application of the local or road authority from time to time inspect any stationary engines cables or carriage used on the tramways and the machinery thereof and may whenever they think fit prohibit the use on or in connection with the tramway of any such engines cables carriage or machinery which in their opinion may not be safe for use. Inspection of carriages.

The speed at which carriages may be drawn or propelled along the tramways shall not exceed the rate of eight miles an hour. As to speed.

The speed at which carriages may pass through movable facing-points shall not exceed the rate of four miles an hour.

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