CHAPTER clxxxix.

An Act to authorise the London Tramways Company (Limited) to construct additional Tramways and for other purposes. [7th August 1896.]

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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 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 it is expedient that the Company be authorised to construct as double lines of tramway the Tramways Nos. 1 1A 2 and 3 described in this Act in lieu of the single lines of tramway belonging to the Company which at present exist between the respective points of commencement and termination thereof:

And whereas by section 37 of the Metropolitan Street Tramways Act 1870 and section 48 of the Pimlico Peckham and Greenwich Street Tramways (Extensions) Act 1870 provision was made for the purchase by the Metropolitan Board of Works of the undertakings of the Metropolitan Street Tramways Company and the Pimlico Peckham and Greenwich Street Tramways Company respectively (and which undertakings were subsequently vested as aforesaid in

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the Company) within six months after the expiration of periods of twenty-eight years from the passing of those Acts:

And whereas by section 43 of the Tramways Act 1870 which is incorporated with such of the aforesaid Acts and Provisional Orders authorising the construction of new tramways by the Company as were passed subsequently to 1870 provision is made for the purchase by local authorities of the tramways within their respective districts:

And whereas the tramways of the Company are entirely situate in the metropolis and different portions of such tramways are liable to be purchased as aforesaid at different times and the time at which the London County Council as successors of the said Metropolitan Board of Works and local authority for the metropolis within the meaning of the Tramways Act 1870 may purchase some of the tramways of the Company has already arrived:

And whereas it is expedient that the Company and the London County Council be authorised to enter into agreements as herein-after provided with respect to the purchase by the said county council of the tramways of the Company:

And whereas it is expedient that the Company be authorised to accept a lease or leases of any tramways which may have been or may be acquired or constructed by the London County Council and other local authorities and to demand take and recover fares and charges in respect of any such tramways:

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 have been deposited with the clerk of the peace for the county of London and are herein-after 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 1896.

Incorporation of portions 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 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 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—

A Tramway No. 1 (double line 7 furlongs and 5 chains or thereabouts in length) commencing in the Camberwell New Road in the parish of Saint Mary Lambeth at a point one chain or thereabouts west of Warner Road and passing thence in a westerly direction along Camberwell New Road into Harleyford Street and terminating in that street at or near the eastern end thereof:

A Junction Tramway No. 1A (double line 2 chains or thereabouts in length) connecting the Tramway No. 1 by this Act authorised with the existing tramway of the Company in Brixton Road commencing and terminating respectively at or about the points of commencement and termination of the present junction connecting the existing tramway of the Company in the Camberwell New Road with the said tramway in the Brixton Road:

A Tramway No. 2 (double line 1 furlong and 7 chains or thereabouts in length) commencing in Harleyford Street at or near the western end thereof and passing thence into and along Kennington Oval and terminating in Kennington Oval at or about the junction of Harleyford Road therewith:

A Tramway No. 3 (double line 2 furlongs and 4 chains or thereabouts in length) commencing by a junction with Tramway No. 2 by this Act authorised at its point of termination herein-before described passing thence into and along Harleyford Road and Upper Kennington Lane and terminating in that lane at or about the termination of the existing tramway of the Company in that lane.

The Company may in the construction and for the purposes of any of the tramways by this Act authorised take up and remove and appropriate and use the rails and materials of the old single lines Provided that for the purposes of the Company's Acts relating to

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the purchase of their undertaking by the London County Council the tramways by this section authorised shall represent and take the place of the existing tramways for which they will be respectively substituted.

For the protection of the vestry of the parish of Saint Mary Lambeth.

5. For the protection of the Vestry of Lambeth (in this section called "the Lambeth Vestry") the following provisions shall have effect and be observed with respect to the tramways by this Act authorised in the parish of Saint Mary Lambeth :—

(*a*) The Company shall not commence the construction of any of the tramways or works by this Act authorised in the parish of Saint Mary Lambeth until they shall have given to the Lambeth Vestry twenty-one days' notice in writing of their intention to commence the same by leaving such notice at the office of the Lambeth Vestry with plans elevations sections and other necessary particulars of the construction of the said tramways and works nor until the Lambeth Vestry shall have signified their approval of the same unless the Lambeth Vestry fail to signify their approval or their disapproval or to give other directions with regard thereto within twenty-one 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 Lambeth Vestry 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 :

(*b*) As regards all roads in the parish of Saint Mary Lambeth the existing paving of so much of the carriageway of every road whereon any tramway is laid as lies between the rails of such tramway and between any two lines of tramway laid by the Company and extends three feet beyond the rails of and on each side of every tramway shall be taken up and the aforesaid portion of carriageway shall be paved by the Company at their own expense as regards so much thereof as extends three feet beyond the rails of and on each side of the tramway with wood pavement and as regards the remainder thereof with new Guernsey granite cubes four inches by six inches to be laid upon a foundation or substructure of Portland cement concrete of such thickness as shall be approved by the Lambeth Vestry and under the superintendence of and with

such other usual materials and in the manner required by and to the reasonable satisfaction of the Lambeth Vestry or with such other paving foundation or materials as the Lambeth Vestry may approve and the aforesaid portion of carriageway shall be deemed to be the portion of the road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the extent and meaning of this Act and the Tramways Act 1870 and the reasonable expense to which the Lambeth Vestry may be put on account of such superintendence shall be paid by the Company :

(*c*) The Company shall bear and on demand pay to the Lambeth Vestry the expense of widening the roadways and setting back the footways in the Harleyford Road and the Oval to such extent as shall be necessary to leave a space of nine feet six inches between the outside of the footpath and the nearest rail of the tramway therein :

(*d*) 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 may be put on account of such superintendence shall extend and apply also to the works (except maintenance and repairs) in the 27th and 28th sections of that Act :

(*e*) 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 Lambeth Vestry shall be the property of the vestry and the Company shall when and as required deliver all such of the said paving metalling or material to the surveyor for the time being of the said vestry or to such person or persons as he may appoint to receive the same and at such place not being more than two miles from where the same is excavated as the said surveyor may direct Provided that if within seven days after the excavation of any paving metalling or material not required for the purpose of relaying the carriageway aforesaid the same be not delivered to the surveyor or such person or persons or at such place as aforesaid the Company shall forfeit and pay to the Lambeth Vestry a sum not exceeding forty shillings for every day during which the said paving metalling or material

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is not so delivered and such penalty shall be recoverable by and payable to the Lambeth Vestry and shall be a penalty within the meaning of section 56 of the Tramways Act 1870 Any difference between the Company and the Lambeth Vestry or their 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:

(*f*) The Company shall at all times with such materials and in such manner as the Lambeth Vestry shall direct and to their satisfaction maintain and keep in good condition and repair and so as not to be a danger and 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 of the 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 not exceeding ten 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 the clerk or surveyor for the time being of the Lambeth Vestry and such penalty shall be recoverable by and payable to the Lambeth Vestry 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 contained 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 expense thereof from the promoters shall be read as though forty-eight hours 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:

(*g*) Notwithstanding anything in section 34 of the Tramways Act 1870 it shall be lawful for the Lambeth Vestry to use the tramways by this Act authorised for carriages with flanged wheels or other wheels suitable only to run on the rails of the tramways at any time during the night after the arrival of the last night service and before the time of starting the first

morning service of the Company for the carriage of materials slop dust or rubbish or for any other purposes required by the vestry in carrying out the powers vested in or the duties cast upon them under the Metropolis Management Acts 1855 to 1890 and any Act or Acts amending the same and the Lambeth vestry may with that object from time to time at their own risk and expense construct and maintain junctions with the tramways of the Company at such points as the engineer to the Tramway Company may approve Such junctions shall be constructed in accordance with plans and sections and other necessary particulars to be previously submitted to and approved in writing by the said engineer and under his superintendence and to his reasonable satisfaction and the said junctions and the lines connected therewith so far as they are situate on the portion of roadway which the Company is liable to repair shall be maintained by and at the expense of the vestry to the like satisfaction.

Prohibition of bells &c.

6. The Company shall not use or permit to be used on the tramways by this Act authorised within the parish of Saint Mary Lambeth any bell or other thing causing noise attached to their carriages horses or harness without the consent in writing under their common seal of the vestry of that parish nor shall any such bell or other thing be continued to be used by the Company in any place if after such consent has been so given the same 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 said vestry and such penalty shall be a penalty within the meaning of section 56 of the Tramways Act 1870.

For protection of the vestry of the parish of Saint Giles Camberwell.

7. With regard to all roads in the parish of Saint Giles Camberwell on which any portion of the tramways by this Act authorised shall be constructed the following provisions shall unless otherwise agreed between the Company and the vestry of the parish of Saint Giles Camberwell (in this section called "the Camberwell Vestry") have effect:—

(1) The existing paving of so much of the carriageway of every such road as lies between the rails of each line of tramway constructed under the powers of this Act and between any two such lines of tramway and extends three feet beyond the rails and on each side of such tramway shall be taken up by the Company:

(2) The aforesaid portion of carriageway shall be paved by the Company at their own expense as regards so much as extends

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beyond the rails of and on each side of such tramway with wood pavement and as regards the remainder thereof with granite cubes :

(3) Such pavement shall be laid upon a foundation or substructure of Portland cement concrete of such thickness as shall be approved by the Camberwell Vestry and under the superintendence of and with such other usual materials and in the manner required by and to the reasonable satisfaction of that vestry :

(4) The aforesaid portion of carriageway shall be deemed to be the portion of the road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the meaning of the Tramways Act 1870 and the reasonable expense to which the Camberwell Vestry may be put by reason of any such superintendence as aforesaid shall be paid by the Company.

For protection of the Lambeth Waterworks Company.

8. In addition to the other provisions in this Act and in the Tramways Act 1870 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 (herein-after 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 any 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 3rd 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 in the bank named in such 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 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 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

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

Company not to carry animals and goods on tramways.

13. 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.

14. 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 rates 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.

15. 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.

Inspection by Board of Trade.

16. 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.

17. 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 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.

18. 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

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penalty or penalties in respect thereof which is or are by this section imposed.

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

19. 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 as to construction of tramways.

20. 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.

Local or sewer authority to have access to sewers.

21. 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.

Company may be required to use improved form of rail.

22. 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.

Power to make additional crossings &c.

23. 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 either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

Traffic to be suspended during works of drainage.

24. 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 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.

25. 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

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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.

26. 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.

27. 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.

28. 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 any of the tramways by this Act authorised 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 such tramways 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 tramways 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 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.

29. 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 for Company and public bodies to agree with respect to construction and maintenance of tramways.

30. Subject to the provisions of this Act the Company on the one hand and the vestry of the parish of Saint Mary Lambeth and the vestry of the parish of Saint Giles Camberwell or either of them on the other hand may from time to time enter into and carry into effect agreements with respect to the mode of construction or maintenance of all or any part of the tramways by this Act authorised and the said vestries or either of them may for the purpose of paying any costs or expenses incurred by them respectively in pursuance of the terms of any such agreement apply their respective funds or any of their rates or revenues and the said vestries or either of them may borrow any sums required for such costs or expenses and for the purpose of securing the repayment with interest of any money to be borrowed as aforesaid such vestries respectively may mortgage and assign all the moneys or rates authorised to be raised by them respectively under the Metropolis Management Act 1855 and all

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the provisions of sections 183 to 191 of that Act as amended by any subsequent Act shall apply to any borrowing by any vestry under this Act.

Agreements with London County Council as to purchase of tramways.

31. The Company on the one hand and the London County Council on the other hand may from time to time enter into and carry into effect agreements with respect to the purchase by the said County Council of all or any tramway or tramways for the time being belonging to the Company whether the same have been opened for traffic or not including any works and property connected therewith and including any tramways authorised but not constructed and the powers rights authorities obligations and privileges of the Company in relation thereto at such date or dates (whether in anticipation or postponement of the dates at which in accordance with the Tramways Act 1870 and the Acts and Provisional Orders herein-before respectively recited and referred to the same would become purchaseable by the said County Council) and on such terms and conditions as may be agreed between the Company and the said County Council and in the event of any such agreement being entered into as aforesaid the date at which the rights of the said County Council with respect to the purchase of the tramways therein referred to in that behalf shall in accordance with the terms of such agreement be altered but nothing in any such agreement shall transfer to the County Council any powers of working tramways.

London County Tramways Act 1896 to apply to tramways.

32. The tramways by this Act authorised shall for the purposes of the London County Tramways Act 1896 be deemed to be tramways authorised by the Local Acts relating to the tramways of the Company mentioned in the schedule to that Act.

Company may take lease of tramways from local authority.

33. The Company shall have power from time to time to accept and take from the London County Council or the local authority as defined by the Tramways Act 1870 of any district adjoining the county of London a lease or leases of any tramway or tramways and all works and property connected therewith which may have been or may at any time be acquired constructed or owned by the London County Council or such local authority as the case may be on such terms and conditions and for such period as may be agreed between the London County Council or such local authority as the case may be and the Company and during the continuance and subject to the terms and conditions of any such lease the Company may work maintain and use the tramway or tramways and works and property connected therewith thereby leased and may demand take and recover in respect of such tramway or tramways fares and charges not exceeding the fares and charges authorised to be taken upon such

tramway or tramways by the Act or Acts Provisional Order or Provisional Orders relating to or regulating the same respectively.

Application of funds.

34. 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.

35. Nothing in this Act contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls rates or charges authorised by the Metropolitan Street Tramways Act 1869 or this Act.

Costs of Act.

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

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