CHAPTER cxxiv.

An Act to authorise the London Tramways Company (Limited) to extend their tramway system to Lower Tooting and Streatham and for other purposes. A.D. 1889.

[12th August 1889.]

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 the following Acts 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 (that is to say):—

The Metropolitan Street Tramways Act 1869 (in this Act referred to as "the Act of 1869");

The Pimlico Peckham and Greenwich Street Tramways Act 1869;

The Metropolitan Street Tramways Act 1870;

The Pimlico Peckham and Greenwich Street Tramways Act 1870;

The Pimlico Peckham and Greenwich Street Tramways (Extensions) Act 1870;

The Act of 1873;

The Metropolitan Street Tramways (Money) Act 1873;

The Pimlico Peckham and Greenwich Street Tramways (Extension of Time) Act 1873;

A.D. 1889.

The Metropolitan Street Tramways (Extensions &c.) Order 1873;
The Pimlico Peckham and Greenwich Tramways (Extensions) Order 1873;
The London Tramways Company (Limited) Capital Act 1880;
The London Tramways Company (Limited) Act 1884; and
The London Tramways Company (Limited) Various Powers Act 1888 (in this Act called "the Act of 1888"):

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 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 one of the said tramways and books of reference to such amended plans have been deposited with the clerk of the peace for the county of Surrey which amended plans and sections and books of reference 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) Extensions Act 1889.

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 Surrey 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.D. 1889.

A.—Clapham Balham and Tooting Lines (Extension to Totterdown.)

A Tramway No. 1c (double line) four furlongs three chains and fifty links or thereabouts in length wholly in Balham Road otherwise called Balham High Road Upper Tooting commencing by a junction with the Tramway No. 1B authorised by the Act of 1888 at a point about $2\frac{1}{2}$ chains north-east from its authorised termination and terminating at a point about 1 chain north-east of Totterdown Lower Tooting.

B.—Brixton Hill and Streatham Lines.

A Tramway No. 2 (double line) two furlongs and four chains or thereabouts in length wholly in Brixton Hill commencing by a junction with the Company's existing tramways there at a point about $2\frac{1}{2}$ chains from the termination (opposite Water Lane) of the said existing tramways and terminating opposite or nearly opposite Endymion Road.

A Tramway No. 2A (double line) three furlongs three chains and fifty links or thereabouts in length wholly in Brixton Hill commencing by a junction with the Tramway No. 2 by this Act authorised at its termination as above described and terminating opposite or nearly opposite Mill Lane.

A Tramway No. 2B two furlongs and two chains or thereabouts in length of which three chains and fifty links will be single line and one furlong eight chains and fifty links double line commencing by a junction with the Tramway No. 2A by this Act authorised at its termination as above described and terminating in Streatham Hill at or near the junction therewith of Telford Avenue.

As to construction of Tramway No. 1c.

5. No part of Tramway No. 1c shall be laid until the road along which it will be formed shall have been widened so that a space of not less than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway But for the purpose of widening the said road the footpath on either side shall not be reduced to a less width than seven feet.

For the protection of the Wandsworth Dis-

6. For the protection of the Board of Works for the Wandsworth district (herein-after called "the Wandsworth Board") the following provisions shall have effect and be observed with respect to the

A.D. 1889.

trict Board of Works.

construction and maintenance of the tramways within the district of that 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 by the Tramways Act 1870 with respect to differences between the promoters and any road authority ;

(2.) With regard to all the tramways within the district of the Wandsworth Board a double line of tramways shall be laid throughout and as regards all the roads whereon the tramways are laid so much of the roadway in each case as lies between the rails and as extends two 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 granite sets three inches wide and six inches deep to be grouted with lias lime and sand grout to the surface of the paving which is afterwards to be covered with hoggin (provided that if at any time the Wandsworth Board pave the remainder of the roadway with wood then the Company shall replace the stone margins with wood the stones thus taken up to be the property of the Company) 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 ;

(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 ;

(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 in the 27th and 28th sections of the said Act and the sub-paragraph (3) of this section referred to ;

(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 in which the same shall be excavated 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

A.D. 1889.

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 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;

(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 sub-structure upon which the same rest 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 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 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

A.D. 1889.

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 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 to alter the width level or formation of the roadway or footpath in any road or street and in consequence thereof or of the construction of the tramways to alter the remainder of the roadway or footpath adjoining such alteration including the re-paving channelling and raising or lowering of the roadway or footpath the shifting of sewer entrances gullies and lamp columns and all other works in connexion with such alteration except in those parts of the said roads or streets in which it shall be necessary in the opinion of the board to acquire property for widening the said roads or streets may be effected by the Wandsworth Board and the expense thereof 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 either 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 line proposed to be open for traffic;

(15.) The Company shall pay to the Wandsworth Board all costs charges and expenses (as taxed by the taxing officer of the House of Lords or 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 connexion therewith.

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

7. For the protection of the vestry of the parish of Lambeth (in this section called "the Lambeth Vestry") the following provisions shall have effect and be observed with respect to the construction of tramways 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 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 the carriageway of so much of every road whereon any tramway is laid as lies between the rails of such tramway and between any two tramways 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 carriageway shall be paved by the Company at their own expense with new Guernsey granite cubes four inches by six inches all such granite cubes to be laid upon a foundation or sub-structure 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 every portion of such road (including the portions of road to be paved with wood under sub-section D) except so much thereof as lies between the kerbs and three feet beyond the rails of and on each side of the tramway 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

A.D. 1889.

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 remainder of the carriageway of every such road shall if it be so required by the Lambeth Vestry be taken up and relaid by the Company at their own expense with the paving and metal taken up and under the superintendence of and in the manner required by and to the satisfaction of the Lambeth Vestry;

(D.) From the commencement of Tramway No. 2 for a distance of $2\frac{1}{2}$ chains the Company shall if desired by the Lambeth Vestry pave the road from kerb to kerb with wood;

(E.) 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 and in the last preceding paragraph of this section referred to;

(F.) Any paving metalling or material excavated or displaced by the Company in the construction of the undertaking 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 as shall not be used in relaying the remainder of the carriageway as provided in sub-section C 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 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 aforsaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority;

(G.) 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.

Prohibition of bells &c.

8. The Company shall not use or permit to be used on the tramways by this Act authorised within the parish of 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 Lambeth Vestry 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

A.D. 1889.

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 Lambeth Vestry and such penalty shall be a penalty within the meaning of section 56 of the Tramways Act 1870.

For the protection of Charles Ravenhill.

9. The Company shall if required by Charles Ravenhill of Bushey House on the commencement of any works for the construction of Tramway No. 2B by this Act authorised pay to the said Charles Ravenhill the proper costs which may have been or may be reasonably incurred by him in the construction of an entrance gate in Telford Avenue and in planting and laying out a carriage drive from Telford Avenue to the said Bushey House.

Time for completion of works.

10. The tramways by this Act authorised (except Tramway No. 1c) shall be completed within two years from the passing of this Act and the Tramway No. 1c by this Act authorised shall be completed within two years from the completion of the widening of the road along which it will be formed as herein-before mentioned and on the expiration of those respective periods the powers by this Act granted to the Company for making and completing the same respectively 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.

11. If the Company fail within the periods respectively limited by this Act to complete the tramways authorised to be made by this Act and open the same for public traffic 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 centum on the estimated cost of the tramways by this Act authorised and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to Her Majesty's Treasury 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 and with the privity 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 such line 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. A.D. 1889.

Application of penalties.

12. 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 either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Applying provisions of Act of 1869 as to tolls &c.

13. Subject to the provisions of this Act the Company may demand and take in respect of the tramways by this Act authorised the tolls and charges which they are by the Act of 1869 authorised to demand and take with respect to the tramways by that Act authorised and sections 64 to 67 both inclusive and section 69 of the said Act shall extend and apply to the tramways by this Act authorised and the tolls to be taken for the use of the same as fully

A.D. 1889.

and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto:

Provided that the tolls and charges for each passenger travelling upon such tramways in the district of the Wandsworth Board shall not exceed one penny per mile and in computing the said tolls and charges a fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than twopence.

Artisans &c. cars to be run.

14. 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 road authority think most convenient for artisans 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 when the offence has been committed within the district of the Wandsworth Board 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 road authority 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.

15. 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 Act of 1869 and small parcels.

Periodical revision of tolls.

16. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the

tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the 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 tolls 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 the tramways or on such portion of the 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 tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Mode of formation of tramways.

17. Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed with two 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.

18. Sections 15 30 31 and 32 of the Act of 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.

Inspection by Board of Trade.

19. The tramways 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 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 road 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 of all other tramways of the Company and the sub-structure 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 offience subject to a penalty not exceeding five pounds for every day on which such

A.D. 1889.

non-compliance continues and such penalty may be recovered in manner provided by section 56 of the said Act and such tramways for the purposes of this section shall include any tramways purchased by the Company or taken on lease by them during the continuance of any such lease 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 the tramways of the Company 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 Wandsworth District Board of Works" 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 and all other tramways belonging to or leased by the Company 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.

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 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 the

tramways or part of any of the 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.

For protection of the Lambeth Waterworks Company.

24. 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 or any person 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.

Sewer authority to have access to sewers.

25. 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.

26. The rails of the tramways 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 of any district in which any part of the tramways is situated require the Company to adopt and apply such improvements in the tramways including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying into effect any such improvements.

Power to make additional crossings &c.

27. 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

A.D. 1889.

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 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.

28. If and whenever in the opinion of the London County Council it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways of the Company constructed under this 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.

29. 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 remove or alter any such tramway or portion of tramway to such position as the said Council may require and the Company shall with all reasonable despatch proceed to remove or alter 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.

Saving rights under Metropolitan Board

30. Nothing in this Act contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges conferred upon the London County Council as

successors of the Metropolitan Board of Works by the Metropolis Management Act 1855 or any other Act relating to that Board as to stopping for public traffic any road or street under the jurisdiction of the said Council or for the purpose of constructing repairing and maintaining the sewers along or under any such 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.

Acts to stop up streets.

31. 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.

Temporary tramways may be made when necessary.

32. 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.

Application of funds.

33. 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

Provision as to general Tramways Acts.

A.D. 1889.

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

Costs of Act.

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

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.