



## CHAPTER lxxviii.

An Act to authorise the London Street Tramways Company A.D. 1888.  
to construct additional Tramways and for other purposes.  
[5th July 1888.]

**W**HEREAS by the London Street Tramways Act 1870 (in this Act called "the Act of 1870") the London Street Tramways Company (in this Act called "the Company") were incorporated with a share capital of one hundred thousand pounds and power to borrow on mortgage twenty-five thousand pounds and were authorised to construct various street tramways and those tramways have been constructed and opened for traffic accordingly :

And whereas the following Acts and provisional orders (confirmed by Parliament) have subsequently passed and been made in relation to the Company (that is to say) :—

The London Street Tramways (Further Powers) Act 1873 (in this Act called "the Act of 1873") :

The London Street Tramways (St. Pancras Lines) Order 1873 :

The London Street Tramways (Junction Road Extensions) Order 1874 :

The London Street Tramways (Caledonian Road Extension) Act 1877 :

The London Street Tramways (Extension) Act 1879 :

The London Street Tramways (Extensions) Act 1882 :

The London Street Tramways (Extensions) Act 1884 :

The London Street Tramways (Extensions) Act 1885 (in this Act called "the Act of 1885") : and

The London Street Tramways (Extensions) Act 1887 (in this Act called "the Act of 1887") :

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 to raise further capital for that purpose and for the other purposes of this Act :

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And whereas by section 22 of the Act of 1887 it was provided that the Company should not commence the construction of Tramway No. 8 or of Tramway No. 8A by that Act authorised unless and until the portion of Gray's Inn Road between Henry Street and Holborn Town Hall had been widened so as to permit the laying down of the said Tramway No. 8A as a double line of tramway so that there should not be at any point on the route of such tramway a less space than nine feet six inches between the outside of the footpath on either side of the road and the nearest rail of the tramway :

And whereas the widening of Gray's Inn Road between Henry Street and Holborn Town Hall has not been commenced and it is expedient that the restriction imposed by the said section be removed and that the Company be empowered to proceed forthwith to construct and open for traffic so much of the said Tramway No. 8 authorised by the Act of 1887 as extends from the authorised commencement thereof to a point opposite the centre of Wilson Street :

And whereas by the Act of 1885 the Company were authorised (amongst other things) to construct in Pentonville Road King's Cross Road and Farringdon Road certain tramways numbered 25 25A 25B 25C 25D 25E 25F 25G 25H and 25I those tramways being authorised to be constructed as single lines but together forming a continuous line of tramway 6 furlongs and 8.10 chains in length which if constructed as authorised by the Act of 1885 would have been in fact a double line except for distances amounting in the aggregate to 2 furlongs and 2.25 chains when the same would have been a single line :

And whereas whilst the said tramways were in course of construction alterations were made in the width of King's Cross Road and Farringdon Road which allowed of the construction of portions of the above-mentioned single line as a double line without any of the rails of such tramways being so laid that a less space than nine feet six inches would intervene between them and the outside of the footpath on either side of the road and the Company accordingly with the consent of the local and road authorities constructed the said portions of the said tramways in the said roads as a double line and the said tramways as so constructed have been opened for public traffic with the sanction of the Board of Trade whose inspecting officer however required an undertaking from the Company that they would apply to Parliament for the sanctioning and confirmation of the laying of the said portions of the said tramways as a double line as aforesaid and it is expedient that the same be sanctioned and confirmed :



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And whereas by section 19 of the Act of 1873 the Company and the North Metropolitan Tramways Company were authorised from time to time to enter into contracts or arrangements with respect to the user of their respective undertakings and other matters but doubts have arisen whether under the provisions of the said section the powers of the two companies are not restricted to their respective undertakings as then existing and it is expedient that such doubts be removed:

A.D. 1888.

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 respective clerks of the peace for the county of Middlesex and the city 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:—

1. This Act may be cited as the London Street Tramways (Extensions) Act 1888. Short title.

2. The provisions of the Companies Clauses Consolidation Act 1845— Incorporation of general Acts.

With respect to the distribution of the capital of the Company into shares:

With respect to the transfer or transmission of shares:

With respect to the payment of subscriptions and the means of enforcing the payment of calls:

With respect to the forfeiture of shares for nonpayment of calls:

With respect to the remedies of creditors of the Company against the shareholders:

With respect to the borrowing of money by the Company on mortgage or bond:

With respect to the conversion of the borrowed money into capital:

With respect to the consolidation of the shares into stock:

With respect to the making of dividends:

With respect to the giving of notices: and

With respect to the provision to be made for affording access to the special Act by all parties interested:

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A.D. 1888. — and Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and the Lands Clauses Consolidation Act 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and the Lands Clauses Consolidation Acts Amendment Act 1860 and 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. The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the same is used were a simple contract debt and not a debt or demand created by statute. The word "contingencies" in the Companies Clauses Consolidation Act 1845 (section 122) shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act 1870 (section 43) at a sum less than the aggregate amount of the capital and debts of the Company.

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 Middlesex and the city 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 :—

NEW JUNCTION LINES.

Tramway No. 2 (single line) 1·5 chains or thereabouts in length commencing in Pentonville Road in the parishes of St. Pancras and St. Mary Islington in the county of Middlesex or one of them by a junction with the northernmost line of the Company's existing tramway there at a point about  $1\frac{1}{2}$  chains east



from York Road and terminating in the Gray's Inn Road in the parish of St. Pancras aforesaid by a junction with the southernmost line of the Company's Tramway No. 8 authorised by the Act of 1887 at a point about 2 chains from the authorised commencement of that tramway : A.D. 1888.

Tramway No. 2A (single line) 1·5 chains or thereabouts in length wholly in the parish of St. Pancras aforesaid commencing in Pentonville Road by a junction with the southernmost line of the Company's existing tramway there at a point about 2 chains east from York Road and terminating in the Gray's Inn Road by a junction with the northernmost line of Tramway No. 8 authorised by the Act of 1887 at a point about  $2\frac{1}{2}$  chains from the authorised commencement of that tramway :

Tramway No. 3 (double line) 2·5 chains or thereabouts in length commencing in the parish of St. Mary Islington aforesaid in Caledonian Road by a junction with the Company's existing tramways there at a point about  $2\frac{1}{2}$  chains south from Caledonian Street and terminating in Pentonville Road in the parish of St. Mary Islington and the parish of St. Pancras aforesaid or one of those parishes by a junction with the existing tramways of the Company there at a point about half a chain west of Caledonian Road.

#### ARCHWAY ROAD LINE.

Tramway No. 7 Three furlongs 1 chain or thereabouts in length of which 1 furlong will be double line and 2 furlongs 1 chain will be single line wholly in the parish of St. Mary Islington aforesaid commencing by a junction with the existing tramway of the Company at the northern end of Junction Road passing thence into and along Archway Road and terminating in that road half a chain or thereabouts south of Highgate Archway :

Tramway No. 7A One mile 2 furlongs 7 chains or thereabouts in length of which 3 furlongs 6 chains will be double line and 7 furlongs 1 chain will be single line in the parishes of St. Mary Islington and Hornsey in the county of Middlesex commencing by a junction with Tramway No. 7 at its termination above described and passing thence along Archway Road and High North Road and terminating in the latter road 6 chains or thereabouts north-west of the northern corner of the Manor Farm House.

5. The Tramways Nos. 7 and 7A (Archway Road line) shall not be made until the archway carrying Hornsey Lane over the Archway Road in the parish of St. Mary Islington (commonly known as

Provisions  
for the  
Metropoli-  
tan Board of  
Works.

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A.D. 1888. — Highgate Archway) and the narrow portion of the Archway Road adjacent thereto shall have been widened to the satisfaction of the Metropolitan Board of Works and the vestry of the said parish to be signified in writing under their respective seals.

For protection of the vestry of St. Mary Islington.

6. For the protection of the vestry of the parish of St. Mary Islington the following provisions shall apply and have effect with respect to the construction of such of the tramways as are authorised to be constructed within the parish of St. Mary Islington:—

(A.) The camber of so much of any road along which the proposed tramways are to be constructed as the Company are liable to maintain shall be formed at the time the said tramways are laid by and at the expense of the Company to the satisfaction of the vestry or their surveyor:

(B.) If and whenever in the opinion of the vestry it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways or the roadway in which the same shall be made the vestry may without any consent or concurrence on the part of the Company enter upon and interfere with those tramways or that 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 of those works either suspend the traffic upon the tramway or make provision at their own expense for carrying on the same in a manner satisfactory to the surveyor of the vestry so as not to interfere with any of those works and shall have no claim for compensation against the vestry.

For protection of the local board of Hornsey.

7. The Company shall not make or lay down the said Tramways Nos. 7 and 7A by this Act authorised to be made unless and until the viaduct or archway known as Highgate Archway which is situate partly in the parish of St. Mary Islington and partly in the parish of Hornsey both in the county of Middlesex shall have been reconstructed according to the plans elevations and sections and in accordance with the specification of works and drawings agreed upon or to be agreed upon between the Hornsey Local Board and the vestry of the parish of St. Mary Islington aforesaid and the Company shall within one month from the commencement of such works pay to the Hornsey Local Board the sum of three thousand pounds towards the costs of reconstruction of the said archway.

If and whenever in the opinion of the Hornsey Local Board 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 in the parish of Hornsey constructed under this Act



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or the roadway in which the same shall be made the Board 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 the 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 surveyor or engineer of the said board so as not to interfere with any such work and shall have no claim for compensation against the said board.

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8. The Company may from time to time for the purposes of their undertaking purchase or acquire by agreement any lands not exceeding in the whole three acres and may erect and hold offices buildings and other conveniences on any such lands but nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any land purchased or acquired under the powers of this section.

Purchase of  
lands by  
agreement.

9. The Company shall not under the powers of this Act without the consent in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or beyond the metropolis in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Restriction  
on displacing  
persons of  
labouring  
class.

The expression "labouring class" in this section includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

10. The Company may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any moneys which they have raised under any other Act or Acts and which may not be required for the purposes to which by the respective Act such moneys are made applicable.

Power to  
apply  
existing  
funds.

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Power to  
raise addi-  
tional capi-  
tal.

Sections of  
Act of 1870  
applied to new  
share capital.

Power to  
borrow.

**11.** The Company may from time to time raise by the creation and issue of new ordinary shares or new ordinary stock or (at the option of the Company) by either of those modes any further capital not exceeding in the whole seventy-six thousand pounds.

**12.** The provisions of the sections of the Act of 1870 numbered 49 50 and 59 shall apply to the shares in the additional capital by this Act authorised to be raised.

**13.** In addition to any sum which by any other Act or Acts they are authorised to borrow the Company may from time to time borrow on mortgage of their undertaking any further sum or sums not exceeding in the whole nineteen thousand pounds and of that sum they may borrow any sums not exceeding in the whole three thousand eight hundred pounds in respect of each fifteen thousand two hundred pounds of such additional capital but no part of any such sum of three thousand eight hundred pounds shall be borrowed until the portion of additional capital in respect of which the borrowing power is to be exercised is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that such portion of additional capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share or the whole of the stock in such portion of additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of additional capital was issued *bonâ fide* and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Company not  
to create de-  
benture stock.

**14.** The Company shall not create debenture stock in respect of any money authorised to be borrowed under this Act.

Mortgage to  
comprise  
purchase  
money paid  
on compul-  
sory sale.

**15.** Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.



- 16.** Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramway or the tramway undertaking in the event of its being purchased by the local authority under the forty-third section of the Tramways Act 1870. A.D. 1888.  
Indorsement of notice of power of future purchase by local authority.
- 17.** All mortgages granted by the Company before the passing of this Act in pursuance of the powers of any Act or Acts and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act. Existing mortgages to have priority.
- 18.** All moneys to be borrowed on mortgage under this Act or any other Act empowering the Company to borrow money on mortgage from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of any Act or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company. Money borrowed on mortgage to have priority.
- 19.** All moneys raised under this Act whether by shares stock or borrowing shall be applied for the purposes of this Act and other the general purposes of the Company being in all cases purposes to which capital is properly applicable. Application of moneys.
- 20.** If the tramways authorised by this Act be not completed as] regards the Tramways Nos. 2 2A and 3 within two years from the passing of this Act and as regards the Tramways Nos. 7 and 7A within two years from the completion to the satisfaction of the Metropolitan Board of Works and of the vestry of the parish of Saint Mary Islington respectively of the widening of Highgate Archway and the portion of the Archway Road referred to in the section of this Act the marginal note of which is "provisions for the Metropolitan Board of Works" then 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. Time for completion of works.
- 21.** If the Company fail within the period limited by this Act to complete the tramways authorised to be made by this Act 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 Penalty imposed unless the line opened within the time limited.



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A.D. 1888. — 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 third section of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said section to an account opened or to be opened in the name of the Paymaster General for and on behalf of the Supreme Court of Judicature in England in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company 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.

Application  
of penalties.

**22.** 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 also 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 and 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.

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**23.** The tramways by this Act authorised shall for the purpose of tolls and charges and for all other purposes be deemed to be part of the tramways authorised by the Act of 1870 and the several provisions of that Act except so far as they may be inconsistent with any of the provisions of this Act or any Act or part of an Act incorporated herewith or of any other subsequent Act are incorporated with and form part of this Act.

Applying  
provisions of  
Act of 1870  
as to tolls,  
&c.

**24.** 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 Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

Periodical  
revision of  
tolls.

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Act, 1888.

A.D. 1888.

Mode of formation of tramways.

**25.** 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 section 30 of Act of 1887.

**26.** Section 30 of the Act of 1887 (the marginal note whereof is "carrying of mails by Company") shall extend to and apply in the case of the tramways by this Act authorised.

Inspection by Board of Trade.

**27.** 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.

**28.** 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 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.

**29.** 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 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 and the tramways of the Company 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 the 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 inquiry 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 such penalty or penalties in respect thereof as is or are by this section imposed. A.D. 1888.

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

**31.** 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. Further provisions as to construction of tramways.

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

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Company  
may be re-  
quired to use  
improved  
form of rail.

**33.** 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 addi-  
tional cross-  
ings, &c.,

**34.** 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 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 their hand addressed to the Company express their objection thereto.

Application  
of road  
materials  
excavated in  
construction  
of works.

**35.** Any paving metalling or material excavated by the Company in the construction of any of the works by this Act authorised from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the construction of the said respective works or the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose such



surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

A.D. 1888.

**36.** If and whenever in the opinion of the Metropolitan Board of Works 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 Board 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 Board so as not to interfere with any such work and shall have no claim for compensation against the said Board.

Traffic to be  
suspended  
during works  
of drainage.

**37.** If and whenever the Metropolitan Board of Works shall require to alter or widen any part of a street in which any tramway of the Company is laid the said Board 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 Board 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 Board in respect of such removal or alteration for any loss of traffic or otherwise consequent thereon.

Company to  
remove or  
alter rails in  
certain  
events.

**38.** Nothing in this Act contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges conferred upon the Metropolitan Board of Works by the Metropolis Management Act 1855 or any other Act relating to that Board as to stopping for public traffic any road or street under the jurisdiction of that Board or for the purpose of constructing repairing and maintaining the sewers along or under any such

Saving rights  
of Metropoli-  
tan Board of  
Works to  
stop up  
streets.

[Ch. lxxviii.] *London Street Tramways (Extensions)* [51 & 52 VICT.]  
Act, 1888.

A.D. 1888. — road or street Provided that in any case in which the Metropolitan Board of Works shall so stop up any road or street for public traffic the Company may with the consent of the Metropolitan Board of Works and subject to such conditions and in accordance in all respects with such regulations as that Board 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.

Extending provisions of Act of 1870. **39.** The provisions of section 23 of the Act of 1870 (for the protection of sewers &c.) shall extend and apply to tramways and works by this Act authorised in as full and complete a manner as if it had been re-enacted in this Act with reference thereto.

Temporary tramways may be made when necessary. **40.** 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.

Company may forthwith construct and open for traffic part of Tramway 8 authorised by Act of 1887. **41.** Sections 22 and 23 of the Act of 1887 so far as they relate respectively to that part of the Tramway No. 8 by that Act authorised which lies between the authorised commencement of that tramway and a point opposite the centre of Wilson Street are hereby repealed and the Company may forthwith construct (subject to the provisions contained in section 31 of the Act of 1887) and open for public traffic the said part of the said Tramway No. 8.

Time for completion of Tramway 8 authorised by Act of 1887. **42.** If the part of the Tramway No. 8 authorised by the Act of 1887 mentioned in the last preceding section be not completed within two years from the passing of this Act then on the expiration of that period the powers by the Act of 1887 and 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.



[51 & 52 VICT.] *London Street Tramways (Extensions)* [Ch. lxxviii.]  
Act, 1888.

43. Notwithstanding anything contained in the Act of 1885 or in any Act incorporated therewith the construction by the Company as a double line of tramways in King's Cross Road and Farringdon Road of the aforesaid portions of the tramways authorised as a single line by the Act of 1885 is hereby confirmed and the Company may maintain work and use the same accordingly.

A.D. 1888.  
Confirmation of certain works authorised by Act of 1885.

44. The word "undertakings" whenever that word occurs in section 19 of the Act of 1873 shall be deemed to include all and every the tramways of the Company or as the case may be of the North Metropolitan Tramways Company already constructed or authorised.

Interpretation of word "undertakings" in section 19 of Act of 1873.

45. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest not to be paid on calls paid up.

46. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

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

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

Provision as to general Tramways Acts.

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

Costs of Act.

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London : Printed for HER MAJESTY'S STATIONERY OFFICE,  
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

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