CHAPTER lxxx.

An Act for incorporating and conferring powers on the Brentford and District Tramways Company. A.D. 1885.

[16th July 1885.]

WHEREAS the tramways herein-after described would be of public and local advantage and the persons in that behalf in this Act named with others are willing at their own expense to carry the undertaking into execution if authorised so to do and are desirous of being incorporated into a company for that purpose:

And whereas the widening of High Street Brentford and of Brentford Bridge in the county of Middlesex would be of public and local advantage:

And whereas plans and sections showing the situation lines and levels of the tramways authorised by this Act with a book of reference to those plans and plans of the lands and houses intended to be taken compulsorily with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands have been duly deposited with the clerk of the peace for the county of Middlesex and are herein-after referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act cannot be effected 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 (that is to say):—

1. This Act may be cited for all purposes as the Brentford and District Tramways Act 1885. Short title.

2. The Companies Clauses Consolidation Act 1845 Parts I. and II. (relating respectively to cancellation and surrender of shares and Incorporation of general Acts.

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additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as the same respectively are applicable to and not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act and shall apply to the undertaking of the Company.

Interpretation clause.

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 or inconsistent with such construction or unless herein otherwise provided:

The expression "the Company" means the Company incorporated by this Act;

The expression "tramways" means the tramways and works by this Act authorised;

The expression "the undertaking" means the undertaking by this Act authorised;

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 section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company;

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 for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Edwin Underwood Stephen Walker Charles Courtney Cramp William Kates Harry Thomas Underwood George Frederick Fry and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose herein-after mentioned by the name of "the Brentford and District Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

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General purposes of the Company.

5. The Company shall be established for the purpose of constructing completing working and maintaining the tramways authorised by this Act subject to the provisions of this Act and of exercising the powers conferred upon the Company by this Act and carrying on the business of a tramway company.

Capital.

6. The capital of the Company shall be one hundred thousand pounds divided into ten thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls.

Receipts on behalf of incapacitated persons.

9. If any money be payable to or any consent be required from a shareholder being a minor idiot lunatic or person of unsound mind the receipt or consent of his guardian or the committee of his estate shall as to such receipt be a sufficient discharge to the Company and as to such consent be valid and effectual for the purpose for which it is given.

Power to borrow.

10. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking any sums not exceeding in the whole twenty-five thousand pounds but no part thereof shall be borrowed until the whole of the capital 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 shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations 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.

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For appointment of a receiver.

11. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Company not to create debenture stock.

12. The Company shall not create debenture stock.

Mortgages to comprise purchase-money paid on compulsory sale.

13. 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 a contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by the local authority.

14. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways or the tramway undertaking in the event of their being purchased by the local authority under section 43 of the Tramways Act 1870.

Application of moneys.

15. All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

16. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act.

Number of directors.

17. The number of directors shall be six but the Company may from time to time reduce that number provided that it be not less than three.

Qualification of directors.

18. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

19. The quorum of a meeting of directors shall be four and if the number of directors be reduced to three the quorum shall be two.

First directors.

20. Edwin Underwood Stephen Walker Charles Courtney Cramp William Kates Harry Thomas Underwood and George Frederick Fry shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place

Election of directors.

of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Power to erect buildings &c.

21. The Company may from time to time purchase and acquire but only by agreement for the purposes of their undertaking and hold any additional lands they may require not exceeding three acres and they may on any such lands erect buildings offices or other conveniences required for the purposes of the undertaking.

Company may acquire easements &c. by agreement.

22. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid respectively.

Power to make tramways.

23. 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 the tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections with all proper rails chairs plates sleepers turn-outs crossings junctions passing places weighbridges weighing machines hydrants workshops sheds stables buildings and other works and conveniences connected therewith.

The tramways herein-before referred to and authorised by this Act are:—

(1.) Tramway No. 1—3·40 chains in length wholly situate in the parish of Ealing commencing in the Kew Bridge Road by a junction with the West Metropolitan Tramway at a point in that road opposite the north-east side of the booking office at

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the Kew Bridge Station of the London and South-western Railway Company passing thence in a south-westerly direction along High Street Brentford and terminating in that street at a point opposite the south-west side of the "Express" public-house.

Tramway No. 1 shall be laid as a double line throughout.

(2.) Tramway No. 2 six furlongs 7·28 chains in length wholly situate in the parish of Ealing commencing at the termination of Tramway No. 1 passing thence in a south-westerly direction along High Street Brentford and terminating in that street at a point opposite the east side of Saint Paul's Road.

Tramway No. 2 shall be laid as a single line except between the following places where it shall be laid as a double line viz.: between the commencement thereof and a point opposite the west side of the water tower of the Grand Junction Waterworks at Brentford between points respectively 3 chains north-east of the "Salutation Inn" Brentford and a point opposite the said inn between points respectively a point opposite the "Hand and Flower" public-house and a point 3 chains south-west therefrom between points respectively the centre of Pottery Road and a point 3 chains south-west therefrom between points respectively 0·5 chain and 3·5 chains south-west of Goat Wharf and between points respectively 3·50 chains and 0·50 chain from the termination thereof.

(3.) Tramway No. 3 one furlong 2·20 chains in length wholly situate in the parishes of Ealing and Hanwell commencing at the termination of Tramway No. 2 passing thence in a south-westerly direction along High Street Brentford and terminating in that street at a point opposite the Town Hall Brentford.

Tramway No. 3 shall be laid as a single line throughout.

(4.) Tramway No. 4 one furlong 1·20 chains in length wholly situate in the parish of Hanwell commencing at the termination of Tramway No. 3 passing thence in a south-westerly direction along High Street Brentford and terminating in that street at a point 1 chain east of the bridge conveying that street over the River Brent and the Grand Junction Canal.

Tramway No. 4 shall be laid as a single line except between the following places where it shall be laid as a double line viz.: between points respectively 0·5 chain and 3·5 chains from the commencement thereof and between points respectively the termination thereof and 2 chains therefrom.

(5.) Tramway No. 5 two chains in length wholly situate in the parishes of Hanwell and Isleworth commencing at the termination of Tramway No. 4 passing thence in a westerly direction

along and over the bridge carrying High Street Brentford over the River Brent and the Grand Junction Canal and terminating in the road leading from Brentford to Hounslow at a point 1 chain south-west of the said bridge.

Tramway No. 5 shall be laid as a double line throughout.

(6.) Tramway No. 6 one mile 3 furlongs 4·45 chains in length wholly situate in the parish of Isleworth commencing at the termination of Tramway No. 5 passing thence partly in a south-westerly and partly in a westerly direction along the road leading from Brentford to Hounslow and terminating in that road at the boundary of the parishes of Isleworth and Heston 22·7 chains or thereabouts west of the bridge carrying the London and South-western Railway over the said road near Isleworth Station.

Tramway No. 6 shall be laid as a single line except in the following places where it shall be laid as a double line viz.: between points respectively the commencement of the tramway and 1·5 chains therefrom between points respectively 7·4 chains and 10·4 chains north-east of Syon Lane between points respectively 10·2 chains and 15·2 chains south-west of Syon Lane between points respectively 0·9 chain north-east and 2·1 chains south-west of the north-east side of the "Rose and Crown" public-house between points respectively 7·85 chains and 10·85 chains south-west of Wood Lane and between points respectively 6·9 chains and 9·9 chains west of the bridge carrying the London and South-western Railway over the said road from Brentford to Hounslow near Isleworth Station.

(7.) Tramway No. 7 one mile 0 furlongs 8·50 chains in length wholly situate in the parish of Heston commencing at the termination of Tramway No. 6 passing thence in a south-westerly direction along the road from Brentford to Hounslow into and along High Street Hounslow and terminating in that street at a point 2·20 chains north-eastwards of Bell Road.

Tramway No. 7 shall be laid as a single line except in the following places where it shall be laid as a double line viz.: between points respectively 0·50 chain and 3·5 chains south-westerly from the commencement of the tramway between points respectively 5·60 chains and 8·60 chains south-west of the "Milford Arms" public-house between points respectively 2 chains and 5 chains south-west of Gunnersbury House between points respectively 3·70 chains and 0·70 chain north-east of Kingsley Road between points respectively 1·80 chains north-east and 1·2 chains south-west of Gilbert Street and between points respectively 2·20 chains north-east and 0·80 chain south-west of Douglas Road.

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(8.) Tramway No. 8 one mile 0 furlongs 1·75 chains in length wholly situate in the parish of Heston commencing at the termination of Tramway No. 7 passing thence in a south-westerly direction along the Roman Road and Staines Road leading from Hounslow to Staines and terminating in Staines Road at a point distant 1·25 chains measured in a straight line in a north-easterly direction from the point of junction of Barrack Road with Staines Road aforesaid.

Tramway No. 8 shall be laid as a single line except in the following places where it shall be laid as a double line viz.: between points respectively 2·50 chains and 5·50 chains south-west of the commencement of the tramway between points respectively 0·10 chain and 3·10 chains south-west of Cromwell Road between points respectively 13·80 chains and 10·80 chains north-east of Wellington Road North between points respectively 1·10 chains and 4·10 chains south-west of Wellington Road North between points respectively 6 chains and 3 chains north-east of Barrack Lane and between the termination of the tramway and a point thereon distant from such termination 2·3 chains measured in a straight line in a north-easterly direction.

(9.) Tramway No. 9 seven furlongs 5·34 chains in length wholly situate in the parish of Heston commencing at the termination and commencement respectively of Tramways Nos. 7 and 8 passing thence in a north-westerly direction along the Bath Road and terminating in that road at a point 6·70 chains north-west of Barrack Lane.

Tramway No. 9 shall be laid as a single line except in the following places where it shall be laid as a double line viz.: between points respectively 0·30 chain and 3·80 chains from the commencement of the tramway between points respectively 11·40 chains and 8·40 chains south-east of the "Duke of Cambridge" public-house between points respectively 1 chain and 4 chains north-west of the "Queen Victoria" public-house between points respectively 4·5 chains and 1·5 chains south-east of Wellington Road North between points respectively 13·10 chains and 10·10 chains south-east of Barrack Lane and between points respectively 5 chains and 2 chains from the termination of the tramway.

(10.) Tramway No. 10 four furlongs 8·40 chains in length wholly situate in the parish of Isleworth commencing in the road from Brentford to Hounslow by a junction with Tramway No. 6 at a point 13 chains north-east of the milestone situate in the said road marked "London 8 miles Hounslow 2 miles" passing thence in a southerly direction along the road leading to Isleworth and

Twickenham past the Brentford Union Workhouse and terminating in Isleworth in that road at a point 0·50 chains south of North Street.

Tramway No. 10 shall be laid as a single line except in the following places where it shall be laid as a double line viz.: between points respectively the commencement of the tramway and 1·30 chains therefrom between points respectively 3·30 chains and 6·30 chains south-west of the milestone situate in the road leading to Isleworth and Twickenham marked "London eight "miles Twickenham two miles Teddington four miles" between points respectively 7·90 chains and 10·90 chains north of Linkfield Lane and between points respectively 1·50 chains and 4·50 chains from the termination of the tramway.

Gauge.

24. The tramways shall be constructed on a gauge of four feet eight and a half inches.

Width of carriages.

25. No carriage of the Company used on the tramways shall exceed six feet six inches in width.

Power to make street and bridge widenings.

26. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the street widening and bridge widening in the county of Middlesex herein-after described with all proper approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference and specified in the schedule to this Act as may be required for that purpose The street widening and bridge widening herein-before referred to and authorised by this Act are:

(1.) The widening of High Street Brentford in the parish of Ealing in the county of Middlesex on the northern side thereof:

(*a.*) Between the south-western corner of the "Hand and Flower" public-house and the south-western corner of the shop and dwelling-house known as No. 375 in High Street Brentford.

(*b.*) Between the south-eastern and south-western corners of the shop and dwelling-house known as No. 370 in High Street Brentford.

(*c.*) Between the south-western corner of the dwelling-house known as No. 356 in High Street Brentford aforesaid and the south-eastern corner of the dwelling-house known as No. 361 in High Street Brentford.

(*d.*) Between the junction of Pottery Road with High Street Brentford aforesaid and a point in High Street Brentford

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distant 1·20 chains measured in a straight line in a south-westerly direction from the said point of junction lastly herein-before described.

(*e.*) Between the south-eastern corner of the dwelling-house known as No. 339 in High Street Brentford and the south-western corner of the dwelling-house known as No. 335 in High Street Brentford.

(2.) The widening of Brentford Bridge and the approaches thereto on both sides thereof in the parishes of Hanwell and Isleworth between the point of junction of the road known as "The Ham" with High Street Brentford and a point distant 4 chains measured in a westerly direction from the last-mentioned point of junction herein-before described.

Restriction on displacing persons of the labouring class.

27. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire 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.

For the purposes of this section the expression "labouring class" 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.

For the protection of the West Metropolitan Tramways Company.

28. Where any of the tramways by this Act authorised form junctions with any of the tramways authorised by the West Metropolitan Tramways Act 1882 (which tramways are in this section referred to as "the West Metropolitan Tramways") the following provisions for the protection of the West Metropolitan Tramways Company (herein-after in this section referred to as "the West Metropolitan Company") shall apply and have effect that is to say:—

(1.) The Company shall give fourteen days notice in writing to the West Metropolitan Company of their intention to commence any works which may affect or in any wise interfere with the structural works of any of the West Metropolitan Tramways: And all such works and junctions shall be made and thereafter maintained to the reasonable satisfaction and under the super-

intendence of the engineer or engineers for the time being of the West Metropolitan Company and at the cost of the Company and shall be made and maintained so as to interfere as little as may be with the traffic passing over or along the West Metropolitan Tramways.

(2.) The tramways authorised by this Act shall not be so worked or used as to occasion any interruption or impediment to the traffic on the West Metropolitan Tramways or the use thereof.

(3.) If any difference arises between the Company and the West Metropolitan Company with respect to any of the provisions of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

For the protection of the Brentford Local Board.

29. The following provisions for the protection of the Brentford Local Board (in this section referred to as "the board") shall apply and have effect:

(1.) The widening of High Street Brentford authorised by this Act shall be completed before the Company commence laying their tramway through any part of the district of the board and thereafter the board shall at their own expense construct and maintain the footpaths and channelling.

(2.) Detailed plans and sections showing the manner in which the proposed widenings (except as regards the footpaths and channelling) are to be effected together with a specification of the works to be done and the materials to be used therein shall be submitted to and approved by the board and such works shall be carried out in accordance with such plans sections and specification to the reasonable satisfaction of the board.

(3.) The construction of the tramways within the district of the Board shall be as follows:

(*a*.) The rails shall be laid along the roads in such lines and positions as shall be defined on a plan to be prepared by the Company's engineer and settled and approved of by the board such approval shall be authenticated by the signature of their clerk upon such plan and no rails shall be laid in any other positions without their consent previously obtained.

(*b*.) The Company at the time of giving notice to the board of their intention to open or break up the roads for the purpose of laying down any of the tramways as required by the Tramways Act 1870 shall also submit to the board a plan and section showing the proposed mode of constructing laying down and maintaining the same and a

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statement of the materials intended to be used therein and the Company shall not commence such works or any of them until such plan section and statement have been approved of by the board and after such approval the works shall be executed in accordance with such plan section and statement as so approved.

(*c.*) All notices whether under the Tramways Act 1870 or this Act shall be given and all plans shall be deposited twenty-one days at least before the commencement of the works specified or shown therein and all plans shall be deposited in duplicate.

(*d.*) The whole of the space between the rails through the entire district shall be paved with wood and the outside of the rails for a distance of eighteen inches beyond each external rail and the whole of the space between the two lines where the tramway is double shall be paved by the Company with granite setts approved by the board five inches deep and not less than six inches nor more than nine inches long.

(*e.*) The Company shall be at liberty to use under the direction and to the satisfaction of the surveyor of the Board such quantity of metalling or material excavated in the construction of the works as shall be required for the purpose of forming the concrete substructure of the tramway all surplus metalling or material so excavated remaining the property of the board and the Company shall at their own expense remove and cart away such surplus to such places as the board or their surveyor may before or during the progress of the works require providing that the distance shall not exceed one mile and if the Company fail to remove and cart away such surplus when and as often as required by the board the board may do so and charge the Company with the cost thereof.

(*f.*) The tramways and works shall be completed within six months from the commencement or such extended time as the board may authorise and the tramway and works shall be completed prior to the 25th March 1886 or if this should not be practicable the tramway and works shall not be commenced until after that date and the Company shall indemnify the board against any loss they may sustain by reason of the non-payment of the county contribution towards the maintenance of the roads (which are main roads) during the financial year or any part

thereof in which the tramway and works shall be in course of construction. But the board shall use their best endeavours to obtain payment of the full amount of the contribution during those periods.

(*g*.) The Company shall at all times maintain and keep in good repair and so as not be a danger or annoyance to the ordinary traffic to the satisfaction of the board the rails of the tramway and the substructure upon which the same rest and the Company during the construction of the tramway and works shall repay to the board the extra expenses they may incur (exclusive of the amount of the county contribution) in raising and making uniform and level with the tramway and works of the Company and of the maintenance and keeping in good repair of the portions of the roadway up to the kerb and channel on each side of the tramway but the metalling removed under clause (*e*) shall be used for such repairs as far as possible the amount of such extra expenses to be settled by the surveyor of the board and the engineer of the Company and failing their agreement by an arbitrator to be appointed by the Board of Trade on the application of either party and if the Company at any time fail to comply with this provision the board shall be at liberty after three days notice to open and break up the road and do the works necessary for the proper repair of the rails and substructure and the expenses incurred in so doing shall be repaid to them by the Company.

(*h*.) As security to the board for the due observance and performance of the above conditions as to the construction and maintenance of the tramways the Company before commencing to open or break up any portion of the roads shall make a deposit with the treasurer of the board at the rate of fifty pounds for every opening made by them in the construction of the tramway Each such deposit shall be returned on the completion of the opening in respect of which the deposit was made.

(*i*.) If the tramway within the district of the board having been commenced is not completed within the time limited by this Act or during the extension of time that may be granted under any further powers conferred upon the Company the said deposit or any part thereof may be applied in payment of the expenses incurred by the board in the removal of so much of such tramway as shall have been

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laid down by the Company and in restoring the road to the satisfaction of the board (the balance of the said deposit being repaid to the Company) and for the purpose of such restoration the board shall be at liberty to break up or use any part of the materials of such tramway.

(*j.*) If the said deposit is insufficient to reimburse the board the expenses so incurred the Company shall on demand pay to the board such deficiency and in case of non-payment the same may be recovered by the board by all and the same means as any simple contract debt of like amount may be recovered.

(*k.*) Notwithstanding the provisions of section 26 sub-section 4 of the Tramways Act 1870 the Company shall not without the consent of the board open or break up at any one time a greater length than fifty yards of the road and an interval of at least a quarter of a mile shall be left between every two openings and the local board shall give every facility for diverting the traffic during the laying of the wood pavement as aforesaid.

4. No part of the tramway passing through the district of the board shall be used as a stopping place for the cars (other than is required by the ordinary traffic of the tramways) except at the commencement of the Tramway No. 1 near Kew Bridge and at a point opposite the house numbered 271 High Street Brentford which may if required be used as a terminal point for traffic.

5. Any difference which may arise under the provisions of this section between the board and the Company shall be from time to time referred to and determined by an engineer to be agreed upon between the Company and the board or failing such agreement by an engineer to be appointed on the application of either party by the Board of Trade and the costs of such arbitration shall be in the discretion of the arbitrator.

For protection of Heston and Isleworth Local Board.

30. For the protection of the local board for the district of Heston and Isleworth in this county of Middlesex (in this section herein-after referred to as the "board") and within the local board district of the board the following provisions shall be in force and shall accordingly take effect that is to say:

(*a.*) The construction of the tramways by this Act authorised to be made and maintained within the district of the board shall be commenced at any time but should the board be desirous of constructing the sewers for the drainage of their district along the line of the route of the tramways at the time contemplated

by the Company of laying their line of rails the board shall have precedence in all respects in the occupation of the roads and in that case the board will use every endeavour to expedite their works and should the Company commence or execute their works authorised by this Act prior to those intended to be performed by the board the Company shall render to the board every facility.

(*b.*) The Company shall repay to the board all moneys already expended or hereafter to be expended by the board in relation to the repairing and maintenance of the existing short line of tramway in the London Road laid down by the Brentford and Isleworth Tramways Company but nothing in this clause or the Act is to affect the rights of the board in the question of ownership of the existing tramway laid down by the Brentford and Isleworth Tramways Company.

(*c.*) The rails of the tramways in High Street Hounslow shall be laid only in such lines and positions as may be defined upon a plan to be previously submitted and approved by the board and the board shall within twenty-one days from the receipt of such plan signify their approval or disapproval in writing but such approval shall not be unreasonably withheld.

(*d.*) Upon payment by the board to the Company of a sum not exceeding one penny per mile and during such periods of the day or night as the tramways shall not be required to be used by the Company for their ordinary traffic the board shall be entitled for their own purposes and not for public traffic to run on the tramways any vehicle which when loaded shall not exceed in weight four tons.

(*e.*) The board shall be entitled to all material or so much as the surveyor to the board shall require excavated from the roadways in the construction of the tramway and the Company shall at their own expense remove and cart away such material to such place or places not exceeding a distance of one mile from the points of excavation as the said surveyor during the progress of the works may reasonably require so much thereof as shall not be required by the board shall become the property of the Company who may use the same for the purpose of forming the concrete substruction of the tramways.

(*f.*) Within one week after the completion of each separate length of the tramways the Company shall repair and make good the sides of the roadway parallel with such length of tramway and shall keep the same in repair for a period of three months

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afterwards to the reasonable satisfaction of the surveyor to the board.

(*g.*) The Company as and by way of security to the board for the due observance and performance of the foregoing conditions and stipulation shall in respect of each separate yard of roadway to be opened and broken up and previously to the opening and breaking up thereof deposit at the branch of the London and County Banking Company at Hounslow in the joint names of the chairman of the Company for the time being and the chairman of the board for the time being a sum of one pound sterling each such sum of one pound shall be returned by the board to the Company immediately upon the completion of the tramway in respect of the opening of the roadway for which the deposit shall have been made.

(*h.*) Any difference which may arise under the provisions of this section between the board and the Company shall from time to time be referred to and determined by an engineer to be agreed upon between the Company and the board or failing such agreement by an engineer to be appointed on the application of either party by the Board of Trade and the costs of such arbitration shall be in the discretion of the arbitrator.

For protection of Middlesex county bridges and main roads.

31. The Company shall execute the works by this Act authorised so far as the same affect any bridges other than Brentford county bridge and the approaches thereto or roads over the same which the inhabitants of the county of Middlesex are bound to maintain to contribute to maintain or to repair and so far as the same works affect any main roads in the said county as defined by the Highways and Locomotives (Amendment) Act 1878 subject to the following conditions viz:

(*a.*) The Company shall not commence nor execute any works as aforesaid unless and until they shall have first delivered to the surveyor of Middlesex county bridges plans drawings and specifications of the works intended to be executed nor until the same plans drawings and specifications shall have been examined and approved of by the said surveyor by writing under his hand Provided always that if the said surveyor shall fail to approve of the works for one calendar month after the plans drawings and specifications thereof shall have been delivered to him then that the Company shall not execute or commence any such works as aforesaid unless and until plans drawings and specifications thereof shall have been examined and approved of by an engineer to be appointed by the Board of Trade on the application of the Company.

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(*b.*) The Company shall execute all such works as aforesaid at their sole expense and under the superintendence and to the reasonable satisfaction of the said surveyor of Middlesex county bridges whose reasonable charges incident to the approval of the said plans drawings and specifications and to the superintendence of the works shall be paid by the Company and the Company shall at the like expense subsequently maintain the same works and all necessary works connected therewith in good substantial condition to the reasonable satisfaction of the said surveyor.

(*c.*) Any difference which may arise under the provisions of this section between the justices or the surveyor of Middlesex county bridges and the Company shall be referred to and determined by an engineer to be agreed upon between the Company and the justices of the county of Middlesex or failing such agreement by an engineer to be appointed on the application of either party by the Board of Trade and the costs of such arbitration shall be in the discretion of the arbitrator.

The Company not to commence tramways over Brentford county bridge until they shall have widened the bridge &c.

32. The Company shall not commence the tramway over Brentford county bridge in the county of Middlesex or along the approaches thereto unless and until they shall have first—

(*a.*) Widened the bridge and the approaches thereto as is hereinafter provided.

(*b.*) After such widening delivered to the surveyor appointed by the justices of the peace for the county of Middlesex and for the time being having charge of the bridges which the inhabitants of the said county are bound to maintain or repair plans drawings and specifications of the tramway works intended to be executed upon over or affecting the said bridge or the approaches thereto nor until the same plans drawings and specifications shall have been examined and approved of by the said surveyor by writing under his hand: Provided always that if the said surveyor shall fail to approve of the tramway works for one calendar month after the plans drawings and specifications thereof have been delivered to him then that the Company shall not execute nor commence any such tramway works as aforesaid unless and until plans drawings and specifications thereof have been examined and approved of by an engineer to be appointed by the Board of Trade on the application of the Company.

Conditions subject to which Com-

The Company shall not commence such widening as aforesaid unless and until they shall have first—

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pany may widen.

(*c.*) By deposit of money to the satisfaction of the justices of the said county in such manner and to such extent as they may reasonably require have given security for the due carrying on execution and completion of the works connected with such widening as by this Act provided.

(*d.*) Delivered to the surveyor of county bridges so appointed as aforesaid plans drawings and specifications of the works connected with such widening and the construction of the roadway and footways over the bridge as herein-after mentioned nor until the said plans drawings and specifications shall have been examined and approved of by the said surveyor by writing under his hand which approval shall be given within a reasonable time.

The Company may subject as aforesaid widen the Brentford county bridge and the approaches thereto subject to the following conditions:

The Company shall—

(1.) Carry on and complete such widenings and make and construct the roads and footways herein-after mentioned and the approaches to the bridge and all works connected with such widening roads footways and approaches respectively according to such plans drawings and specifications so to be submitted as aforesaid and as may be approved of by the surveyor of county bridges as aforesaid and under his superintendence and to his satisfaction in all respects and which approval shall be given in a reasonable time.

(2.) As part of and incidental to such widening form and complete a roadway over Brentford county bridge of thirty-three feet nine inches wide at least between the curbs of the footways and also footways of seven feet six inches wide on each side of the road with all necessary curbs and other things connected therewith.

(3.) As part of and incidental to such widening shall so far as the said justices can or may authorise the removal of the mains pipes or wires herein-after mentioned at the expense of the Company as between them and the justices in all things take up remove and again lay down in such altered or other position and in such manner as may be approved of by the said surveyor all water or other mains gas or other pipes and telegraph or other wires of any Company or authority which are now laid or may hereafter be laid or carried over along or under the said bridge or the approaches thereto or the roadway or footway

thereof and carry on and complete all works connected with the taking up removal and laying down of any such water or other main gas or other pipes telegraph or other wires at such expense as aforesaid and under the superintendence and to the entire satisfaction in all respects of the said surveyor as aforesaid and of the engineer or surveyor of any such companies or authorities as aforesaid: Provided that any removal alteration or interference with any telegraph or other wires belonging to Her Majesty's Postmaster-General shall be subject to and in accordance with the provisions of the Telegraph Act 1878.

(4.) In all respects complete such widening of the bridge and the making and construction of the roads and footways over the same and the approaches thereto as aforesaid together with all necessary works incidental thereto within six calendar months from the commencement of the works connected with the widening.

If the Company shall refuse or neglect to complete such widening of the bridge and the making and construction of the roads and footways over the same and the approaches thereto as aforesaid together with all works incidental thereto then it shall be lawful for the justices to make and complete such roadway and other works as aforesaid and to apply the money so to be deposited as aforesaid in payment of the costs charges and expenses to which the justices may be put in the execution of the same works or any part thereof or if the justices shall so determine in or towards the reinstatement of the said bridges roads and approaches to the same state and condition in which the same respectively now are: Provided nevertheless that if the sum so deposited as aforesaid shall be insufficient to meet the costs charges and expenses which the justices may be put to in or about the works aforesaid or any of them then the Company shall within fourteen days after demand under the hand of the clerk of the peace for the said county pay to the justices such further sum as may be necessary to make up any deficiency between the amount of their costs charges and expenses as aforesaid and the sum so deposited as aforesaid.

(5.) Execute and complete such widening and all such tramway works as aforesaid and make and construct such roadway and footways and the approaches to the bridge and all other works connected therewith at their sole expense and shall at the like expense subsequently maintain and repair the bridge so widened as aforesaid and any other county bridge crossed by the said tramways and the entire fabric thereof and the fences walls and the roadways and footways over and the approaches to the

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bridges and all necessary works connected therewith in good substantial water-tight condition and repair under the superintendence and to the satisfaction in all respects of the said surveyor appointed by the justices as aforesaid:

Provided always that the justices shall in respect of the cost of maintaining and repairing the roadways and footways over and the approaches to the bridges pay to the Company yearly such sum of money as shall represent the cost of maintaining and repairing so much of the roadways footways and approaches as the Company are not by the twenty-eighth or any other section of the Tramways Act 1870 compelled to maintain and repair and such sum shall be ascertained upon an average of the cost per yard for the three years ended the twenty-fifth day of March one thousand eight hundred and eighty-five borne and paid by the justices in respect of the maintenance and repair of the present roadways footways and approaches.

(6.) Pay the charges of the said surveyor in respect of his examination or approval of the said plans drawings and specifications so to be submitted to him as aforesaid and also his charges for the superintendence of such widening and other works by this Act authorised in connexion with the said bridge and the approaches thereto or incidental to such works.

(7.) Not at any time during the execution of the works connected with such widening or with the road and footways over the bridge or the approaches thereto interfere with or in any manner interrupt the traffic of present roadways and footpaths over the bridge further or otherwise than to the extent of stopping the traffic over one of such footways at one and at the same time but shall at their own costs in all respects take all such steps and do all such acts either by the erection of hoarding or otherwise as shall in the judgment of such surveyor as aforesaid be necessary for the preservation and safe conduct of the traffic over the present roadways and footways respectively as aforesaid.

If the Company shall at any time hereafter fail to keep the bridges or any part of them or the approaches thereto or either of them or the roadways or footways or either of them over the bridges in such good repair as aforesaid it shall be lawful for the said justices after failure of the Company for fourteen days to comply with the terms of any notice to repair served on the Company at the instance or on behalf of the justices to order such repairs to be done for and at the cost of the Company and the Company shall within fourteen days pay to the said justices or as they may direct all costs and expenses

incurred by them by reason or in consequence of the execution of any such repairs or of the non-performance thereof by the Company:

Provided always that nothing in this Act contained shall be held to create or imply any obligation upon the said justices to maintain or to keep such bridge or any other county bridge crossed by the said tramway or the approaches thereto in repair nor to render the said justices or the inhabitants of the said county in any way responsible to the Company for or in respect of any injury which may result to their works or any of them by reason of any want of repair to the said bridges or to the approaches thereto or by reason of the failure or neglect on the part of the said justices or of the inhabitants of the said county to maintain the said bridges or the approaches thereto.

Company not to acquire right in bridges.

Notwithstanding anything in this Act contained the Company shall not acquire as against the justices or the inhabitants of the said county any right over or easement or property in the said bridges or the approaches thereto or any or either of them.

(8.) Any difference which may arise under the provisions of this section between the justices and the Company as regards the widening of the bridge or the execution of the works connected therewith or the maintenance and repair of the bridges or the roadways or footways or the approaches as aforesaid shall be referred to and determined by an engineer to be agreed upon between the Company and the justices or failing such agreement for the space of twenty-one days after any such difference shall arise by an engineer to be appointed on the application of either party by the Board of Trade and the costs of such arbitration shall be in the discretion of the arbitrator.

For the protection of the London and South-western Railway Company.

33. (1.) For the protection of the London and South-western Railway Company (herein referred to as "the South-western Company") the following provisions shall apply and have effect:—

(*a*.) The rails of Tramway No. 1 by this Act authorised shall where the tramway passes in front of the property of the South-western Company at Kew Bridge Station on the South-western Company's Loop-line Railway be laid as far distant as practicable from the northern footpath in front of that station.

(*b*.) The rails of Tramway No. 6 by this Act authorised shall where the tramway passes along the London Road in front of the South-western Company's property at Isleworth Station be laid as far distant as practicable from the pavement on the south side of that road.

(2.) In constructing and repairing the tramways or any of them where they are intended to pass under any railway of the South-

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western Company the same shall be done under the reasonable superintendence and to the reasonable satisfaction of that Company and the cost of such reasonable and necessary superintendence shall be borne and defrayed by the Company.

(3.) The South-western Company may if they deem fit employ a watchman or inspector to watch and inspect the Tramways Nos. 1 and 6 during their construction under any railway bridge or in front of any property of the South-western Company and the wages of such watchman or inspector shall be borne by the Company and be paid by them to the South-western Company and the Company shall indemnify the South-western Company against and compensate them for any injury which may from time to time happen to the property or works of the South-western Company during the construction or working of the said tramways by reason of the neglect of the Company.

(4.) During the construction and in the maintenance of the said tramways the Company shall not stop or otherwise interfere with or obstruct the traffic on the South-western Railway or (except so far as may be reasonably necessary) the traffic on any of the road approaches to the railway or stations of the South-western Company.

(5.) The traffic of the South-western Company shall at all times have precedence of the traffic of the Company and the cars of the Company shall not approach or pass any of the stations of the South-western Company at a greater speed than six miles per hour and the cars of the Company shall not on any pretence stop or for any other purpose within a reasonable distance on either side of the entrances to the Kew Bridge and Isleworth Stations of the South-western Company.

For the protection of the East London and Grand Junction Waterworks Companies.

34. Whereas divers mains pipes and apparatus belonging to and now in use by the East London Waterworks Company and the Grand Junction Waterworks Company (in this section called "the water companies") for the purpose of their water supply will or may in the making and maintaining of the street widening and bridge widenings and works connected therewith (in this section called "the widenings") by this Act authorised be intersected or otherwise interfered with Therefore the following provisions shall have effect:

(1.) Before commencing the construction of the widenings the Company shall whether they contemplate altering the position of any mains pipes or apparatus of the water companies or not give seven days notice to the water companies or water company to whom such mains pipes or apparatus may belong of their intention to construct the widenings and shall at the same

time deliver a plan and section of the proposed works If it should appear to the water companies or either of them that the construction of the widenings as proposed would endanger any such main pipe or apparatus or interfere with or impede the supply of water the water companies or either of them may give notice to the Company to lower or otherwise alter the position of the said mains pipes or apparatus in such manner as may be considered necessary and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this section for the settlement of differences and all such alterations shall be made by and at the expense of the Company and with as little detriment and inconvenience to the water companies or water company to whom such mains pipes or apparatus may belong or to the inhabitants of the district as the circumstances will admit and to the satisfaction and under the superintendence and direction of such water companies or water company or of their engineer if they or he think fit to attend after receiving not less than forty-eight hours notice for that purpose which notice the Company are hereby required to give.

(2.) The Company shall not remove or displace any of the mains pipes or apparatus or other works belonging to the water companies or either of them or do anything to impede the passage of water into or through such mains pipes or apparatus without the consent of the water companies or in any other manner than the water companies shall approve until good and sufficient mains pipes and apparatus necessary or proper for continuing the supply of water as sufficiently as the same was supplied by the mains pipes or apparatus proposed to be removed or displaced shall at the expense of the Company have been first made and laid down in lieu thereof and ready for use and to the satisfaction of the engineer of the water companies or in case of disagreement between such engineer and the Company as shall be settled by arbitration as hereinafter provided.

(3.) And if the water companies or either of them by notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of the widenings so require the water companies or either of them may by their own engineer or workmen do or execute the works in connexion with the widenings so far as they interfere with or otherwise affect the mains pipes or apparatus of the water companies or either of them on the expiration of the first

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mentioned notice and the Company shall on the completion thereof pay to the water companies or either of them the reasonable expenses incurred by them in the execution thereof.

(4.) The Company shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to the water companies.

(5.) The Company shall make good all damage done by them to the mains pipes or apparatus belonging to or controlled by the water companies or either of them and shall make full compensation to the water companies and to all parties for any loss or damage which they may sustain by reason of any interference by the Company with such mains pipes or apparatus or with the private service pipes of any person supplied by the water companies or either of them with water and if the supply of water in or through any main of the companies or of either of them shall by any act of the Company or of any contractors agents servants workmen or person employed by the Company be interrupted the Company shall forfeit and pay to such water company for the use of such water company twenty pounds for every hour during which such supply shall be so interrupted to be recoverable by such water company in any court of competent jurisdiction.

(6.) Before commencing the construction of the bridge widenings the Company shall invest in the Consolidated Three per Centum Annuities in the names of the chairmen for the time being of the respective water companies and of the chairman for the time being of the Company who are herein-after referred to as the said trustees the sum of one thousand five hundred pounds which sum when so invested with all dividends to accrue thereon and which dividends shall from time to time as they become payable be invested in like manner and accumulated therewith shall be and continue a fund in trust (herein-after referred to as "the trust fund") for the following purpose that is to say:

(*a.*) If the Company (having commenced the construction of the bridge widenings) do not within five years from the period by this Act limited for the completion of the works thereby authorised or within such extended period as may be sanctioned by any subsequent Act complete such widenings then the trust fund shall be applied by the said trustees towards compensating the water companies for any injury or loss they or either of them may have sustained by reason of any interference with their mains

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pipes or apparatus in connexion with the bridge widenings or for any expenses incurred by the water companies or either of them in executing any such works as aforesaid and the balance if any shall be transferred or paid to the Company or as they shall direct Provided always that if the bridge widenings are completed in accordance with the provisions of this Act the trust fund shall thereupon be transferred or paid to the Company or as they shall direct.

(7.) If any difference shall arise between the Company or their engineer and the water companies or their or either of their engineers on any question matter or thing under the provisions of this Act or any Act incorporated therewith such difference shall be referred to and determined by an engineer to be agreed upon by the engineer of the Company and the engineers of the water companies or failing agreement shall be referred to and determined by an engineer to be appointed on the application of the Company or the water companies or the engineer of either of those companies by the President for the time being of the Institution of Civil Engineers and the costs and expenses of the reference shall be borne and paid as the engineer agreed upon or appointed as aforesaid shall direct.

For protection of the Grand Junction Canal.

35. The following provisions shall unless otherwise agreed between the Company and the company of proprietors of the Grand Junction Canal (herein-after called "the canal company") have effect for the protection of the canal company that is to say:

(1.) In widening the bridge by which High Street Brentford is carried over the River Brent and the Grand Junction Canal in this Act called Brentford Bridge the Company shall not alter the line or level of the Grand Junction Canal or River Brent under such bridge or the towing-paths thereof or alter or interfere with any works of such canal and shall construct the widened portions of such bridge of arches uniform in span and headway with the arch of the existing bridge and so that the clear opening beneath such bridge when widened shall be equal in all parts to the opening beneath the present bridge and the face of the abutments of the said widened portions of bridge shall be constructed in line with the abutments of the present bridge.

(2.) The Company shall give to the canal company not less than fourteen days notice of their intention to commence the widening of the said bridge and shall at the same time submit to them plans sections and specifications of the works and such works shall be executed according to plans sections and specifi-

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cations to be approved by and under the superintendence and to the reasonable satisfaction of the engineer of the canal company (whose reasonable charges in connexion with such superintendence and approval shall be paid by the Company) and so as not to impede or interfere with the traffic of the said canal under such bridge or the passage along the towing-path thereof.

(3.) The Company shall not purchase or take any land or property of the canal company for any purpose other than such bridge widening and shall only acquire such an easement in any land or property of the canal company required for such bridge widening as may be necessary for the construction and maintenance thereof in manner by this Act authorised.

(4.) If in the widening of the said bridge or the works connected therewith any damage to the said canal or to the towing-path or works thereof or any obstruction of the navigation of the said canal or the passage along the said towing-path shall be occasioned the Company shall forthwith restore the canal or towing-path and works thereof to the same state and condition as before the happening of such damage and remove such obstruction under such superintendence and to such reasonable satisfaction as aforesaid and in their default it shall be lawful for the canal company to do the same and to recover the expenses thereof from the Company with costs in any court of competent jurisdiction.

(5.) The widening of the said bridge and all the works connected therewith shall be completed within six months from the commencement thereof.

(6.) If during or by reason of the widening of the said bridge or by reason or in consequence of any act neglect or omission of the Company or their agents contractors servants or workmen the waterway of the canal or the passage along the towing-path thereof shall be stopped or interrupted the Company shall pay to the canal company as and for liquidated damages the sum of five pounds for every hour during which such stoppage or interruption shall continue after notice thereof shall have been given to the Company or their secretary or if such stoppage or interruption shall continue for more than seventy-two consecutive hours after such notice or shall be caused by any wilful act neglect or omission of the Company or their agents contractors servants or workmen then and in every such case the Company shall pay as aforesaid the sum of ten pounds for every hour during which such stoppage or interruption shall continue

but nothing herein contained shall extend to prevent the canal company from recovering beyond the amount of such liquidated damages or to prevent any persons using the canal from recovering from the Company any special damages that may be sustained by them or any of them in consequence of the acts neglects or defaults of the Company their contractors agents servants or workmen and the canal company and any such persons are hereby authorised to sue for and recover such liquidated and special damages with costs in any court of competent jurisdiction.

(7.) If any difference shall arise between the canal company or their engineer and the Company as to any plans sections or specifications or as to the mode of executing any works such difference shall be referred to an engineer to be appointed by the Board of Trade on the application of either party whose decision shall be final.

(8.) Except as otherwise expressly provided nothing herein contained shall extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in the canal company by Act of Parliament or otherwise.

Providing for conflict of opinion between Board of Trade and local authority &c.

36. In the event of any conflict arising under any of the provisions of this Act or of any Act incorporated herewith between the Board of Trade or any inspecting officer of the Board of Trade and any local authority or any surveyor or officer of any local authority or any other body or person with respect to the lines or positions of the rails or any other matter or thing connected with or incident to the laying down constructing and maintaining of any of the tramways by this Act authorised the requirements of the Board of Trade shall prevail.

Period for compulsory purchase of lands.

37. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Tramway deposit fund not to be repaid except so far as tramway opened.

38. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of two thousand seven hundred and ninety-seven pounds whereof a part one thousand five hundred and fifty pounds (herein-after referred to as "the tramway deposit fund") represents five per cent. upon the amount of the estimate in respect of the tramways and the remainder one thousand two hundred and forty-seven pounds (herein-after referred to as "the street and bridge widenings deposit fund") represents five per cent. upon the amount of the estimate in respect of the works other than the tramways

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authorised by this Act and in respect of the Tramways described in the Bill for this Act but abandoned during the progress of the Bill through the House of Commons has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act Be it enacted that nothwithstanding anything contained in the said Act the tramway deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the tramways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramway opened as aforesaid and the portion of the tramway deposit fund which bears to the whole of the tramway deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the Chancery Division of the High Court of Justice in England shall on the application of the depositors order the portion of the tramway deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above mentioned Act to the contrary notwithstanding.

Application of deposit.

39. If the Company do not previously to the expiration of the period limited by this Act for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the tramway deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and also in compensating all road authorities for the expense

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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 tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division may seem fit and if no such compensation is payable or if a portion of the tramway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the tramway deposit fund 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 Chancery Division 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 Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid 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 Provided that until the tramway deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of street widenings &c. deposit fund.

40. On the application of the depositors at any time after the passing of this Act the Chancery Division of the High Court of Justice in England may and shall order that so much of the street and bridge widenings deposit fund and the interest and dividends thereon as represents the deposit so made as aforesaid in respect of the estimated cost of the street widenings shall be paid or transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.

Period for completion of works.

41. If the tramways street widening and bridge widening be not completed within three years from the passing of this Act 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 to be exercised except as to so much thereof as is then completed.

Description of rail to be used.

42. The rails of the tramway shall be such as the Board of Trade may approve.

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Correction of errors in deposited plans and book of reference.

43. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Middlesex for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Middlesex and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the land affected thereby is situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate and thereupon the deposited plan and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Inspection by Board of Trade.

44. The tramways shall not be open 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.

45. If and whenever after the passing of this Act any road authority alters 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.

Further provisions as to construction of tramways.

46. 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 and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and 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 and 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 superin-

tendence 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.

Penalty for not maintaining rails and roads.

47. 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 subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act 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 case 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 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 such penalty or penalties in respect thereof as is or are by this section imposed.

Sanitary authority to have access to sewers.

48. Every sanitary 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 sanitary 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.

49. The Board of Trade may from time to time upon the application of the local authority or road authority require the Company to adopt and apply such improvements in the tramways including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and

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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.

Passing places to be constructed where less than a certain width left between footway and tramway.

50. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Company shall and they are hereby required to construct a passing place or places connecting the one tramway with the other and by the means of such passing place or places the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional crossings &c.

51. The Company may subject to the provisions of this Act with the consent of the local authority and road authority from time to time make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the 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.

52. Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 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 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.

Company not to carry animals goods &c.

53. The Company shall not carry on the tramways any animals goods minerals or parcels other than passengers luggage and parcels not exceeding twenty-eight pounds in weight.

Tolls for passengers.

54. The Company may demand and take for every passenger travelling upon the tramways or any part or parts thereof including tolls for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile and in computing the said tolls and charges the 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.

Passengers luggage.

55. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof.

Small parcels.

56. The Company may demand and take for the conveyance of small parcels on the tramways any rates not exceeding the rates following :—

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fourpence;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence.

Cheap fares for labouring classes.

57. The Company at all times after the opening of the tramway for public traffic shall and they are hereby required to run at least 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 Company think most convenient for artizans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said board shall have power to fix and regulate the same from time to time.

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Periodical revision of tolls.

58. 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 authorised 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 of 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.

Carrying of mails by Company.

59. (1.) The Company if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:—

(*a.*) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Company in or upon any carriage that is to say:—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels, then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be

appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater.

(*b.*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.

(*c.*) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger.

(*d.*) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Interest not to be paid on calls paid up.

60. 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

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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.

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

61. 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 tramways or to execute any other work or undertaking.

Tramways not exempt from provisions of present and future general Acts.

62. Nothing in this Act contained shall exempt the Company or 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.

Expenses of Act.

63. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

Lands to be acquired for Street and Bridge widenings :—

Number on deposited Plan.	Parish.
5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 - -	Ealing.
2 and 3 - - - - - -	Hanwell.
1, 2, and 3A - - - - -	Isleworth.

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