CHAPTER cxcvi.

An Act for empowering the Brentford and Isleworth Tramways Company to construct new Tramways in the County of Middlesex; and for other purposes. A.D. 1880.

[26th August 1880.]

WHEREAS it is expedient that the Brentford and Isleworth Tramways Company, incorporated by the Brentford and Isleworth Tramways Act, 1879, (in this Act called "the Company,") should be empowered to lay down and maintain the new tramways (to be worked by animal power only) in the parishes of Isleworth, Heston, and Twickenham in this Bill particularly described: 42 & 43 Vict. c. ccvii.

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act:

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised, and books of reference to those plans, have been deposited with the clerk of the peace for the county of Middlesex, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Brentford and Isleworth Tramways Act, 1880. Short title.

2. Section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act, 1870, and the Lands Clauses Consolidation Acts, 1845, 1860, and Incorporation of general Acts. 33 & 34 Vict. c. 78.

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1869, (except the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement, and with respect to the entry upon lands by promoters of the undertaking,) and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; that is to say,

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 16.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock; and

The provision to be made for affording access to the special Act; and

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

26 & 27 Vict. c. 118.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

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

The expressions "the tramways" and "the undertaking" shall mean the tramways and works and the undertaking respectively by this Act authorised;

For the purposes of this Act the word "contingencies" in section 122 of the Companies Clauses Consolidation Act, 1845, shall 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; and

For the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act and in any Act wholly or in part incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

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Power to make tramways.

4. Subject to the provisions of this Act the Company may make, form, lay down, work, use, and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are—

Tramway (No. 1), 3 miles 0 furlongs 30 links, commencing by a junction with the authorised Brentford and Isleworth Tramway at Bush Corner, where the said tramway turns toward Isleworth, thirty-six chains west of the commencement of the said Brentford and Isleworth Tramway, and terminating at a point in the road opposite and in a line with the west flank wall of the Hussar public-house, in the parish of Isleworth:

Tramway (No. 1A, single line), 2 chains, commencing at a point in the centre of the road opposite and in a line with the east flank wall of Wrotham House, and terminating at a point in the centre of the road, measured in a westerly direction, two chains from the commencement of the above tramway:

Tramway (No. 1B, single line), 1 chain 40 links, commencing at a point in the centre of the road opposite and in a line with the west flank wall of Clydesdale House, and terminating at a point in the centre of the road opposite and in a line with the west flank wall of Cedar Lodge:

Tramway (No. 1C, single line), 1 chain 60 links, commencing at a point in the centre of the road opposite and in a line with the east flank wall of the Milford Arms Hotel, and terminating at a point in the centre of the road opposite and in a line with the west flank wall of Carlton Villa:

Tramway (No. 1D, single line), 1 chain 55 links, commencing at a point in the centre of road opposite and in a line with the east flank wall of Alderwick Terrace, and terminating at a point in the centre of the road opposite and in a line with the west flank wall of the said terrace:

Tramway (No. 1E, single line), 1 chain 25 links, commencing at a point opposite and in a line with the division wall between 89 and 90, High Street, Hounslow, in the centre of the road, and terminating at a point in the centre of the road opposite and in a line with the west flank of the Prince Regent public-house:

Tramway (No. 1F, single line), 1 chain 70 links, commencing five yards west of a point opposite and in a line with the eastern flank wall of Argyle House, and terminating on the southerly

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side of the fountain situated at the junction of the Bath and Staines Roads at a point opposite and in a line with the west flank wall of the butcher's shop No. 269 in the High Street:

Tramway (No. 1G, single line), 2 chains, commencing at a point in the centre of road opposite and in a line with the west flank wall of the most westerly of Belle Vue Villas in the Staines Road, and terminating at a point in the centre of the road at a point two chains, measured in a westerly direction, from the aforesaid point:

Tramway (No. 1H, single line), 1 chain 80 links, commencing at a point in the centre of the road opposite and in a line with the east flank wall of a public-house called the Light Horse Inn, and terminating at a point in the parish of Isleworth opposite and in a line with the west flank wall of the Hussar public-house:

Tramway (No. 2, single line), 6 furlongs 7 chains 75 links, commencing at a point in the centre of the road opposite and in a line with the eastern flank wall of Argyle House, and running down the Bath Road through the parish of Heston, and terminating at a point in the road opposite and in a line with the west garden fence to Laburnum House:

Tramway (No. 2A, single line), 3 chains 10 links, commencing five yards west of a point opposite and in a line with the east flank wall of Argyle House, and terminating at a point in the centre of the road in a line with the east front wall of shop occupied by Messrs. Pentelow & Sons at intersection of main roads:

Tramway (No. 2B, single line), 1 chain 20 links, commencing at a point opposite and in a line with the east flank wall of No. 1, Western Villas, terminating at a point in the centre of the road opposite and in a line with the west flank wall of No. 4, Western Villas:

Tramway (No. 2C, single line), 1 chain 80 links, commencing at a point in the centre of the road opposite and in a line with the east flank wall of Blenheim House in the Bath Road, and terminating at a point opposite and in a line with the west garden fence to Laburnum House:

Tramway (No. 3, single line), 1 mile 5 furlongs 0 chains 95 links, commencing by a junction with the authorised Brentford and Isleworth Tramway at its termination at Isleworth and running down the Twickenham Road, and terminating at a point opposite and in a line with the south side of Holly Road, Twickenham:

Tramway (No. 3A, single line), 1 chain 71 links, commencing at a point opposite and in a line with the north-east flank wall of a house occupied by Mr. Mann, and terminating at a point opposite and in a line with the south-west flank wall of a barn attached to the said house:

Tramway (No. 3B, single line), 1 chain 15 links, commencing at a point two chains north-east of the centre of county bridge over stream dividing the parishes of Isleworth and Twickenham, and terminating one chain north-east of the centre of the said bridge:

Tramway (No. 3D, single line), 2 chains 5 links, commencing at a point opposite and in a line with the south flank wall of Brook House, and terminating at a point two chains, measured in a southerly direction, from the said point:

Tramway (No. 3E, single line), 1 chain 8 links, commencing at a point opposite and in a line with the division wall between a shop occupied by Mr. Fisher, tobacconist, and a shop occupied by Mr. Cave, milkman, and terminating at a point opposite and in a line with the south side of Holly Road, Twickenham.

Power for purchase of lands by agreement for widening county bridges and roads.

5. The Company may by agreement purchase the lands adjoining or near Ivy County Bridge dividing the parishes of Isleworth and Twickenham in the Isleworth and Twickenham Road, situate partly in the parish of Isleworth and partly in the parish of Twickenham, for the purpose of widening the said road and county bridge, and shown on the deposited plans at the point marked about 7 furlongs; also those lands in the parish of Twickenham numbered on the deposited plans 5, 6, 7, and 8, for the purpose of widening the road at this point and also the county bridge called Cole's Bridge. But if the Company do not make the tramway into Twickenham parish, then the same shall not be made within sixty-five yards of the said Ivy County Bridge, and the Company shall purchase land for the purpose of widening the said road twenty feet for a length of forty yards from the termination of the said tramway westward toward Brentford, the same to be carried out to the satisfaction of the road authority.

Protection of Middlesex bridges.

6. The Company shall execute the works by this Act authorised, so far as the same affect any bridge which the inhabitants of the county of Middlesex are by law bound to maintain or to repair, or any bridge traversed by any highway, subject to the following conditions:

(*a.*) The Company shall not commence or execute any work or works upon, under, or affecting any such bridge as aforesaid or the approaches thereto unless and until they shall have first

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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 works intended to be executed upon, under, 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 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 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 said justices or the said surveyor:

(*b.*) The Company shall execute all such works as aforesaid at their sole expense, and shall at the like expense subsequently maintain the same, and all such bridges aforesaid, and the roadways over the same respectively, and all approaches to the same, and all necessary works connected therewith, in good, substantial, and water-tight condition and repair to the reasonable satisfaction of the said surveyor, and the Company shall within fourteen days after demand pay to the said justices all costs and expenses incurred by them by reason or in consequence of the execution or of the failure of any of the works of the Company under this Act or of the non-performance by the Company of any of their obligations under this section: 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 any such bridge or the approaches thereto in repair, nor to render the said justices or the inhabitants of the said county in any way responsible or liable to the Company for or in respect of any damage or injury which may result to their works or any of them by reason of any want of repair to any such bridge 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 any such bridge or the approaches thereto or any or either of them.

Provisions for the protection of the Grand Junction Waterworks Company.

7. Whereas certain mains, pipes, services, and other works belonging to and now in use by the Grand Junction Waterworks Company (in this section called "the water company") for the purpose of their water supply will or may in the execution of the works by

this Act authorised be altered or interfered with, the Company shall, if under the powers of this Act they widen the Ivy County Bridge and Cole's Bridge, or either of them, and the roads leading thereto and connected therewith respectively, before commencing any work in connexion with the said widening deliver to the engineer of the water company a plan and section of the proposed work, and if the said engineer do not within fourteen days from the delivery of the said plan and section testify in writing under his hand his approval of the said work, he shall be deemed to have disapproved thereof, and any difference between him and the Company shall be settled in manner provided by the Tramways Act, 1870, and the provisions of that Act relating to provisions as to gas and water companies shall have effect with reference to the said widenings as well as to the making, forming, laying down, maintaining, repairing, or renewing of the tramways or any of them.

Power to raise additional capital.

8. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital, not exceeding in the whole sixty thousand pounds, by the issue at their option of new ordinary shares or new preference shares, or partially by one of those modes and partially by the other: Provided that the Company shall not issue any share of less nominal value than ten pounds, nor shall any 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 shall have been paid in respect thereof.

Calls.

9. 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.

Receipt clause in case of persons not sui juris.

10. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

11. Subject to the provisions of this Act the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to

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the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend, after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

13. Each preferred half share shall be entitled out of the profits each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

14. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

16. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for

that purpose be considered an entire share distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled, &c.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

18. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow in respect of additional capital.

19. In addition to the sums which the Company are already authorised to borrow, they may from time to time borrow on mortgage in respect of the additional capital of sixty thousand pounds by this Act authorised to be raised by shares any sums not exceeding in the whole fifteen thousand pounds, but in no case shall any part of the said sum of fifteen thousand pounds be borrowed until the Company have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of the 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 and accepted and paid up bonâ fide, and are held by the person or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

20. The mortgagees for the time being of the Company may from time to time enforce the payment of arrears of interest or principal, or principal and interest, due to any such mortgagees by the appointment of a receiver. In order to authorise the appointment of a

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receiver in respect of arrears of principal the amount owing to the mortgagees by whom application for the appointment of such receiver shall be made shall not be less than one thousand five hundred pounds in the whole.

Debenture stock.

21. The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

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

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

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

Priority of mortgages over other debts.

24. All moneys raised on mortgage by the Company under this Act, and the interest due thereon, shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act; but this priority shall not affect any claim against the Company in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860.

Application of moneys.

25. Subject to the provisions herein contained, all money to be raised under the provisions of this Act, whether by means of shares or borrowing, shall be applied to the purposes of this Act and to the general purposes of the Company's undertaking, and to no other purpose.

Mode of formation of tramways.

26. Every tramway laid down by the Company under the authority of this Act shall be formed with iron rails laid and maintained in such manner as to be on the level with the surface of the street, and shall be constructed on a gauge of four feet eight and a half inches, and the said rails shall be such as the Board of Trade may approve.

Traffic in roads not to be impeded.

27. During the construction of any works by this Act authorised in any road the Company shall make such arrangements in relation to the execution of such works as may in the opinion of the road authority be proper for preventing the traffic along such road from being unnecessarily impeded.

Company to adopt improvements if required by the Board of Trade.

28. 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 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 out such improvements.

Further provisions as to construction of tramways.

29. 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 superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section 26 of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

Deposit money not to be repaid except so far as tramways opened.

30. 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 20, a sum of two thousand two hundred and eighty-five pounds new three pounds per cent. annuities, equal to five per centum upon the amount of the estimate in respect of the tramways, has been transferred into the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as the deposit fund): Be it enacted, that, notwithstanding anything contained in the said Act, the said 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

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to the expiration of the period limited by this Act for 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 tramways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised, the Chancery Division shall, on the application of the depositors, order the portion of the 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, if signed by the secretary or an assistant secretary of that Board, 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.

31. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid 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, and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such road by the construction or abandonment of such tramways, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit, and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the 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 of 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 deposit fund has been repaid 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.

Period for completion of works.

32. The tramways shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Inspection by Board of Trade.

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

Tramways to be kept on level with surface of roads.

34. If and whenever after the passing of this Act the Company shall alter the level of any road along or across which any part of the tramway is laid or authorised to be laid, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Penalty for not maintaining rails and roads.

35. 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 which any of the tramways for the time being consist, and the substructure upon which the same rest, and if the Company at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section 56 of the said Act is provided.

Power to Board of Trade to inquire as to maintenance of rails and roads.

36. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in the preceding section contained,

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or with any of the requirements of section 28 of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then and in every such case a copy of such report, certified by a secretary or assistant secretary of the Board, 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 the preceding section imposed.

Sewer authority to have access to sewers.

37. Every sewer authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Company, and the provisions contained in sections 32 and 33 of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority, as if the same were a pipe for the supply of gas or water.

Power to make additional crossings

38. 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.

39. Any paving, metalling, or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of the 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 the 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 deliver the surplus paving, metalling, or material not used or required to be

retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice duly given, such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company and the road authority or their surveyor or any 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.

Power to purchase lands by agreement.

40. The Company may from time to time purchase by agreement any additional lands, not exceeding in the whole two acres, which they may require for any of the purposes of their undertaking.

Tolls.

41. With respect to tolls, rates, and charges, and for all other purposes whatsoever, the tramways shall be part of the undertaking of the Company: Provided always, that the Company shall run carriages on the tramways each way once at least in every half hour, between eight o'clock in the morning and nine o'clock in the evening.

Periodical revision of tolls.

42. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways which form a part of the undertaking of the Company, or after three years from the date of any order made in pursuance of this section in respect of the said tramways or any portion thereof, it is represented in writing to the Board of Trade by the local authority of any district in which the said tramways or 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 said tramways or 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

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taken in respect of the traffic on the said tramways or 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.

Interest not to be paid on calls paid up.

43. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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.

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

Provision as to general Tramway Acts.

45. Nothing in this Act contained shall exempt the Company or the tramway 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.

46. 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.

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