CHAPTER ccv.

An Act to incorporate the West Metropolitan Tramways Company, to empower them to construct new tramways, and acquire existing tramways, and for other purposes. A.D. 1882.

[10th August 1882.]

WHEREAS by the Southall Tramway Order, 1873, confirmed by the Metropolitan Tramways Orders Confirmation Act, 1873 (No. 2) (and herein-after referred to as the Order of 1873), with which was incorporated the Tramways Act, 1870, the promoters thereof were authorised to construct certain tramways in the county of Middlesex, and to acquire such lands not exceeding ten acres as should be necessary for the undertaking: 36 & 37 Vict. c. lxxxv. 33 & 34 Vict. c. 78.

And whereas by the Shepherd's Bush and Priory Road, Acton, Tramway Order, 1876, confirmed by the Tramways Orders Confirmation (Bristol, &c.) Act, 1876, (and herein-after referred to as the Order of 1876,) with which was incorporated the Tramways Act, 1870, the promoters thereof were authorised to construct certain tramways in the county of Middlesex, and to acquire such lands, not exceeding five acres, as should be necessary for the undertaking: 39 & 40 Vict. c. cl.

And whereas by the Shepherd's Bush and Hammersmith Tramways Order, 1881, confirmed by the Tramways Orders Confirmation (No. 3) Act, 1881, (and herein-after referred to as the Order of 1881) with which was incorporated the Tramways Act, 1870, the promoters thereof were authorised to construct certain tramways in the county of Middlesex, and to acquire such lands not exceeding five acres at any one time as might be required for the purposes of the undertaking: 44 & 45 Vict. c. clxiv.

And whereas the tramways authorised by the Orders of 1873, 1876, and 1881, or portions thereof, have been constructed and opened for traffic:

And whereas the West Metropolitan Tramways Company, Limited, (herein-after called "the Limited Company") was incorporated and duly registered on the twelfth day of August, 1881, under the Companies Acts, 1862 to 1880, with limited liability for the purpose of 25 & 26 Vict. c. 89, &c.

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constructing, purchasing, maintaining, and working tramways in the counties of Middlesex and Surrey or either of them:

And whereas the present share capital of the Limited Company consists of one hundred thousand pounds, divided into ten thousand shares of ten pounds each, of which six thousand five hundred shares have been subscribed for and issued:

And whereas the Limited Company have agreed to purchase the several undertakings authorised by the Order of 1873, the Order of 1876, and the Order of 1881, and with the consent of the Board of Trade in accordance with section 44 of the Tramways Act, 1870, and section 35 of the Order of 1881 such purchase has been completed, and the said undertakings have been conveyed and assigned to the Limited Company:

And whereas it is expedient that additional tramways should be constructed in the parishes of Hammersmith, Chiswick, Ealing, Kew, Richmond, and other places in the counties of Middlesex and Surrey, and that additional capital should be provided for that purpose:

And whereas plans and sections of the proposed additional tramways, showing the lines and levels thereof, and books of reference to those plans, have been deposited with the respective clerks of the peace for the counties of Middlesex and Surrey, and are herein-after respectively referred to as "the deposited plans, sections, and books of reference:"

And whereas it is expedient that the Limited Company should be dissolved and re-incorporated with further and other powers:

And whereas the objects aforesaid 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 (that is to say):—

Short title.

1. This Act may for all purposes be cited as the West Metropolitan Tramways Act, 1882.

Incorporation of Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

2. The following Acts and parts of Acts, namely, the Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act, 1863; the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking), section three (interpretation of terms), section nineteen (local authority may lease and take tolls), and Parts II. and III. of

the Tramways Act, 1870, so far as the same respectively are applicable to and are not varied by or inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act.

Interpretation of terms.

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 the same be varied by this Act, or unless there be something in the subject or context repugnant to such construction.

The expression "the Company" means the West Metropolitan Tramways Company incorporated by this Act.

The expressions "the undertaking of 1873," "the undertaking of 1876," and "the undertaking of 1881," respectively, mean the tramways and works and the undertakings authorised by the Order of 1873, the Order of 1876, and the Order of 1881, respectively, together with all the rights, powers, privileges and authorities conferred on or vested in the respective promoters of the said several Orders or any of them, or any person on their behalf for the purposes of the Order of 1873, and the Order of 1876, and the Order of 1881, respectively, and the expression "the undertakings of 1873, 1876, and 1881," means all of such undertakings, rights, powers, privileges, and authorities.

The expression "the promoters" means the promoters respectively referred to in, and empowered by, the said Orders, and also any other persons or corporations in whom the rights, powers, and authorities of the original promoters of such Orders, respectively are now vested.

The expression "the undertaking" or "the tramways" (except where any particular tramways authorised by this Act, or by the Orders of 1873, or 1876, or 1881 respectively, or any of them, are expressly mentioned) means and includes the tramways and works and undertakings by the said Orders and by this Act authorised, or any part thereof.

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.

Incorporation of Company.

4. From and after the passing of this Act the Limited Company shall be dissolved, and the several persons and corporations who immediately before the passing of this Act were members of that company, and all other persons and corporations who have subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively,

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shall be and they are hereby united into a company for the purpose herein-after mentioned, and shall be incorporated by the name of "The West Metropolitan Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

5. The Company shall be established for acquiring, maintaining, and working the tramways respectively authorised by the several Orders herein-before referred to, and for carrying the powers of the Orders and of this Act into execution.

Property vested in Company incorporated by this Act.

6. Subject to the provisions of this Act, the undertaking authorised by the Orders of 1873, 1876, and 1881, and all the lands, tramways, erections, buildings, powers, rights, interest, and easements which immediately before the passing of this Act were vested in the Limited Company, or in any person in trust for them, or to which that company was in anywise entitled, and all carriages, horses, rails, plant, apparatus, stock, effects, matters, and things which immediately before the passing of this Act were the property of the Limited Company, and all moneys, securities, credits, effects, and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf, and the benefit of all contracts and engagements entered into by and on behalf of the Limited Company and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf, and may, according to the provisions of this Act be held and enjoyed, sued for and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

Memorandum of association of the Limited Company to be void without prejudice to remedies for antecedent breaches thereof.

7. Subject to the provisions of this Act, the memorandum and articles of association of the Limited Company shall, as to any prospective operation thereof, be wholly void, and the Company and the shareholders shall be exempted from all the provisions, restrictions, and requirements of the Companies Acts, 1862 to 1880; but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum and articles of association incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue, and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might

have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

8. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the Limited Company, or the members thereof as such, shall be as valid as if the Company had not been incorporated and the said memorandum and articles of association had not been avoided by this Act; and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all powers, rights, liabilities, claims, and demands, both present and future, which, if the Company were not incorporated, and the said memorandum and articles of association were not avoided by this Act, and this Act were not passed, would be incidental to or consequent on any and everything so done or suffered; and with respect to all such powers, rights, liabilities, claims, and demands, the Company shall to all intents and purposes represent the Limited Company, and the members thereof as such, and the property of the Limited Company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to the passing of this Act to be binding.

9. Except as is by this Act otherwise expressly provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the Limited Company, or any trustees or persons acting on behalf of the Limited Company, or by, to, or with any other person to whose rights and liabilities they have succeeded, and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually as if, instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company, the Company had been a party thereto.

Actions, &c., not to abate.

10. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity, which was pending by or against the Limited Company, or any member thereof in relation to the affairs of the Limited Company, or to which the Limited Company, or any member thereof in relation to such affairs, were parties immediately before the passing of this Act; but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company, as the case may be, in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, and continued by or in favour of or against the Limited Company, or any member thereof, if this Act had not been passed, the Company and shareholders therein being, in reference to the

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matters aforesaid, in all respects substituted for the Limited Company and its members respectively.

Trustees of Limited Company to be indemnified.

11. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the Limited Company were vested immediately before the passing of this Act, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same or otherwise on behalf of the Limited Company, shall be indemnified, out of the funds and property of the Company, against all liability (including costs, charges, and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond, covenant, contract, or engagement.

Company to satisfy liabilities of Limited Company.

12. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers, and servants of the Limited Company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf.

Judgment in respect of existing liabilities may be enforced against individual shareholders.

13. If any judgment, decree, or order be at any time after the passing of this Act obtained against the Company in respect of any debt or liability owing or incurred, or in respect of any contract made or tort committed, by the Limited Company before the passing of this Act and be not fully satisfied out of the property of the Company, then and in every such case the judgment, decree, or order may be enforced and execution thereon issued against the property and effects of any person who was a member of the Limited Company immediately before the passing of this Act, or at the time when the contract was made or the tort was committed in respect of which such debt or liability accrued or was incurred, and legally responsible in respect of such debt or liability, to the same extent as if this Act had not been passed.

Reimbursement of shareholder in such case.

14. Every person against whom or against whose property or effects any such judgment, decree, or order is enforced shall be entitled to recover against the Company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment, decree, or order might, in accordance with this Act, have been issued, and the contribution may be recovered in like manner as contribution in ordinary cases of co-partnership.

Recovery of sums due.

15. All sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before passing of Act.

16. All persons who immediately before the passing of this Act owed any money to the Limited Company, or to any person on their behalf, shall pay the same, with all interest (if any) due or accruing upon the same, to the Company; and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company, or for the payment of which the Limited Company were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

Certificates, &c., to remain in force.

17. Notwithstanding the avoidance of the said memorandum and articles of association, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if the said memorandum and articles of association had not been avoided.

Books, &c., continued evidence.

18. All documents, books, and writings which, if the said dissolution and avoidance had not taken place, would have been receivable in evidence, shall be admitted as evidence in all courts of law and equity and elsewhere, notwithstanding such dissolution and avoidance.

Officers to continue until removed.

19. All the officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereto annexed, until they resign the same, or be removed therefrom by the Company, and shall have the like powers and authorities for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatever as if they had been appointed under this Act.

Present registers of members to be continued.

20. The books kept by the Limited Company for entering the names and designations of the members thereof, with the numbers of their shares, and the proper distinguishing number of such shares, shall and may continue to be kept for the same purpose by

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the Company, and shall, until some other register of shareholders shall be provided by the Company, be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

Power to make tramways according to deposited plans.

21. Subject to the provisions of this Act, the Company may construct, maintain, and work in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with the deposited plans and sections, the tramways herein-after described with all proper rails, plates, sleepers, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act will be situate in the parishes of Hammersmith, Chiswick, and Ealing, in the county of Middlesex, and Kew and Richmond, in the county of Surrey, and are:—

A tramway (No. 1), one mile seven furlongs 2.35 chains in length, whereof one mile one furlong 8.85 chains is single line, and five furlongs 3.50 chains is double line, commencing in the parish of Ealing, in the Kew Bridge Road, at a point seventy-nine yards west from the centre of the bridge carrying the said road over the London and South-western Railway, passing thence eastward along the Kew Bridge Road and the High Road, Chiswick, and terminating in such last-mentioned road, in the parish of Chiswick, at a point five yards west from the western side of the Goldhawk Road by a junction with Tramway No. 2, authorised by the Shepherd's Bush and Hammersmith Tramways Order, 1881.

A tramway (No. 2), three furlongs 8.60 chains in length whereof 5.40 chains is single line, and three furlongs 3.20 chains double line, commencing in the parish of Chiswick at the termination of Tramway No. 1 in the High Road, Chiswick, passing thence eastward along King Street West, and terminating in the parish of Hammersmith, in King Street West, at a point opposite the western side of Studland Street.

A tramway (No 3), three furlongs 4.39 chains in length, wholly single line, and wholly situate in the parish of Hammersmith, commencing in King Street West by a junction with Tramway No. 2 at its termination at a point opposite the western side of Studland Street, passing thence eastward along King Street West, the Broadway, and Beadon Road, and terminating in Beadon Road at a point ten yards north of the junction of that road with the Broadway.

A tramway (No. 4), four furlongs three chains in length, wholly single line, and wholly situate in the said parish of Hammersmith, commencing in King Street West by a junction with

Tramway No. 2 herein-before described at its termination at a point opposite the western side of Studland Street, passing thence northward along Studland Street, eastward along Glenthorne Road and in a south-easterly direction along Beadon Road, and terminating in Beadon Road by a junction with Tramway No. 3 at its termination, at a point ten yards north from the junction of Beadon Road with the Broadway. Provided always that this tramway shall not be constructed along Glenthorne Road unless and until the roadway at the western end of Glenthorne Road for a length of sixty yards is widened, so as to give a carriage-way of not less than twenty-four feet. Provided also that Tramways Nos. 3 and 4 shall not be constructed along the Beadon Road unless and until the roadway leading from the Broadway to the station yard of the Hammersmith and City Railway and immediately opposite the eastern side of the Swan public-house, if required to be widened by the Metropolitan and Great Western Railway Companies, is widened by the Company, or failing their agreeing for the acquisition of the land, then by the Metropolitan and Great Western Railway Companies, at the cost of the Company, so as to give a carriage-way of not less than 40 feet and a footpath of not less than 10 feet, the plan to be submitted to and approved by the engineers of the Metropolitan and Great Western Railway Companies for the time being. Any difference as to the cost of the widening, if made by the Metropolitan and Great Western Railway Companies, to be settled by arbitration in manner provided by the Lands Clauses Consolidation Act, 1845.

A tramway (No. 5), one mile five furlongs two-and-a-half chains in length, whereof one mile two furlongs and one chain is single line, and three furlongs 1·50 chains double line, commencing in the parish of Kew, twelve yards south of the road which intersects the approach road to Kew Bridge and the road known as the Kew and Richmond Road, passing along the last mentioned road in a southerly direction and terminating in the said road leading from Kew Bridge to Richmond, in the parish of Richmond, at a point one hundred and twenty yards north from the centre of the bridge carrying such road over the London and South-western Railway. Provided always that the Company shall not construct so much of Tramway No. 5 as lies between the termination of such tramway herein-before described, and the drinking fountain situate at the junction of the roads leading from Richmond to Kew and Mortlake, without the consent in writing of the London and South-western Railway Company.

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

22. For the protection of the London and South-western Railway Company (herein-after called the South-western Company) the following provisions shall apply and have effect:

(A.)—In the event of the South-western Company requiring for the repair, renewal, or widening of the railway bridge carrying the Kensington and Richmond Railway over the Beadon Road, Hammersmith, to erect scaffolding against any of the abutments or piers, or under the superstructure of such bridge, they shall be at liberty to do so after having given seven days' notice in writing to the Company of such their intention, and, if necessary, the Company shall, at their own expense, during the period required for the completion of such repair, renewal, or widening, divert the line of tramway under the railway bridge in such manner as may be found most convenient to the South-western Company for such repair, renewal, or widening, and the South-western Company, so far as may be necessary, shall consent to such diversion.

(B.)—The South-western Company may, if they deem fit, employ a watchman or inspector to watch and inspect the tramway No. 4 during its construction under and within the distance of seven yards on either side of the railway bridge, 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 tramway.

Where any tramway by this Act authorised shall be constructed upon any bridge carrying a road over a railway of the South-western Company, the following provisions shall apply:

(C.)—The Company shall give fourteen days' notice in writing to the South-western Company of their intention to commence any work which affects or in anywise interferes with the structural works of such bridge, or the road over the same, and shall at the same time send sufficient specifications or other information to show the nature of such work, and such work shall be constructed to the reasonable satisfaction of the South-western Company, and so as not in any way to interfere with the traffic upon such railway.

(D.)—If such bridge shall be deemed by the South-western Company, or their engineer for the time being, to be of insufficient strength to carry locomotive engines (should the Company at any time

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hereafter obtain power to use the same), or weights beyond the ordinary traffic of the district, the Company shall, upon notice from the South-western Company to that effect, and before driving or carrying a locomotive engine or extraordinary weight on or over such bridge, execute, at the cost of the Company, all such works as may be reasonably required by the South-western Company, to prevent injury to such bridge by the driving or carrying thereon or thereover of such locomotive engines or extraordinary weights, but notwithstanding the last preceding provisions the Company shall make good to and compensate the South-western Company for all damage that may be occasioned to any bridge, work, or property of the South-western Company by the driving or carrying on or over such bridge of any locomotive engine or extraordinary weight, or by or in consequence of the construction by the Company of any work, or otherwise by any act or default of the Company.

(E.)—Any additional expense in the maintenance of such bridge, or of the roadway on or over the same, or of the approaches thereto, occasioned by the construction, use, or maintenance of any such tramway shall be borne by the Company.

For protection of the Metropolitan District Railway Company.

23. Where any tramway by this Act authorised shall be constructed upon any bridge carrying a road over a railway of the Metropolitan District Railway Company the following provisions shall apply:

(A.)—The Company shall not interfere with the walls, arch, or girders of the Metropolitan District Railway Company without their consent in writing, and the Company shall give fourteen days' notice in writing to the Metropolitan District Railway Company of their intention to commence any work which affects or in anywise interferes with the road over the works of the Metropolitan District Railway Company, and shall at the same time send sufficient drawings, specifications, or other information to show the nature of such work, and such work shall be constructed to the reasonable satisfaction of the Metropolitan District Railway Company's engineer, and so as not in any way to interfere with the traffic upon such railway.

(B.)—If such bridge shall be deemed by the Metropolitan District Railway Company, or their engineer for the time being, to be of insufficient strength to carry locomotive engines or weights beyond the ordinary road traffic of the district, the Company shall upon notice given at any time by the Metropolitan District Railway Company to that effect, and before driving or carrying a locomotive engine or any other extraordinary weight on or over such bridge, execute at the cost of the Company all such

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works as may be reasonably required by the Metropolitan District Railway Company to prevent injury to such bridge by the driving or carrying thereon or thereover of such locomotive engines or extraordinary weights; but notwithstanding the last preceding provisions the Company shall make good to and compensate the Metropolitan District Railway Company for all damage that may be occasioned to any bridge, work, or property of the Metropolitan District Railway Company by the driving or carrying by the Company, or any person or company claiming through or under them, or using the tramways by permission of the Company, on or over such bridge, of any locomotive engine or extraordinary weight, or by or in consequence of the construction by the Company of any work or otherwise by an act or default of the Company.

(c.)—Any additional expense in the maintenance of such bridge, or of the roadway on or over the same, or of the approaches thereto, or adjacent works of the railway, occasioned by the construction, use, or maintenance of any such tramway shall be borne by the Company.

Mode of formation of tramways.

24. Subject to the provisions of this Act, every tramway to be made or laid down under this Act shall be constructed with two rails, to be approved by the Board of Trade, on a gauge of four feet eight and a-half inches, and shall be laid and maintained in such a manner that the uppermost surface of the rail shall be on a level with the surface of the street or road.

Company to have exclusive use of tramways for flange wheels, &c.

25. Subject to the provisions of this Act, the Company shall have the exclusive use of the tramways by this Act as well as by the Order of 1873, the Order of 1876, and the Order of 1881 respectively authorised for carriages with flange wheels, or other wheels specially or particularly adapted to run on a grooved rail.

Tramways not to be opened until certified by Board of Trade.

26. No part of the tramways by this Act authorised shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an Order signed by a secretary or an assistant secretary of the said Board, authorised the same to be opened for traffic.

Period for completion of tramways.

27. If the tramways by this Act authorised are not completed within two years from the passing of this Act, then on the expiration of that period the powers by this Act granted for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tramways to be kept on level with surface of road.

28. If any road authority hereafter alter the level of any road along or across which any of the tramways by this Act authorised are laid, or authorised to be laid, the Company shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface shall be on a level with the surface of the road so altered.

Penalty for not maintaining rails and road in good condition.

29. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways by this Act authorised, and of all other tramways of the Company, and the substructure upon which the same rest; and if the Company at any time fail to comply with this provision, or with the provisions of section 28 of the Tramways Act, 1870, they shall be for every such offence subject to a penalty not exceeding five pounds for every day on which such non-compliance continues, and such penalty may be recovered in manner provided by section 56 of the said Act, and the tramways of the Company for the purposes of this section shall include any tramways purchased by the Company, or taken on lease by them during the continuance of 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.

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

30. In addition to any other provisions of this Act, the Company shall maintain and keep the tramways by this Act authorised, and all other tramways belonging to or leased by the Company, in good condition and repair to the satisfaction of the road authority of the district within which such tramways respectively are or may be situate, and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid, they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues, and such penalty may be recovered in manner provided by

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the said section 56 of the Tramways Act, 1870, but by the said road authority only.

Traffic to be suspended during works of drainage.

31. If and whenever in the opinion of the Metropolitan Board of Works it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways of the Company constructed under this or any other Act, or the roadway in which the same shall be made, the said Board may, without any consent or concurrence on the part of the Company, enter upon and interfere with such tramways or roadway, after having given, except in case of emergency, at least one month's previous notice in writing to the Company of their intention so to do, and the Company shall, during the execution of any such works, either suspend the traffic upon such tramway or make provision at their own expense for carrying on the same in a manner satisfactory to the engineer of the said Board, so as not to interfere with any such work, and shall have no claim for compensation against the said Board.

Saving rights of Metropolitan Board of Works to stop up streets. 18 & 19 Vict. c. 120.

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

Sanitary authorities to have access to sewers.

33. Every sanitary authority (and for the purposes of this Act the expression "sanitary authority" includes the Metropolitan Board of Works) 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, 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.

Board of Trade may require improvements in tramways.

34. The Board of Trade may from time to time upon the application of the local authority or road authority of any district in which any tramways by this Act authorised, or any portion thereof, are or is situate, require the Company to adopt and apply such improvements in the tramways within such district, 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 any such improvements.

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

35. Where in any road in which a double line of tramway authorised by this Act is laid there is less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramway than nine feet six inches, the Company shall construct a passing place or passing places connecting the one tramway with the other, as and when directed by the road authority, and by means of such passing place or passing places the traffic shall when necessary be diverted from one tramway to the other.

Additional crossings, &c., to be made where necessary.

36. The Company may from time to time hereafter make, maintain, alter, and remove all such crossings, passing places, sidings, junctions, turnouts, and other works in addition to those particularly specified in and authorised by this Act as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables, carriage-sheds, or works or buildings of the Company, subject to the reasonable approval of the road authority, 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 the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand, addressed to the Company, express his objection thereto.

Application of road materials excavated in construction of works.

37. Any paving, metalling, or material excavated by the Company in the construction of works authorised by this Act 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 such 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 of such road on either side of such tramway as the Company are by this Act 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 such road authority, or to such person or persons as he may appoint to receive the same. Provided that if within seven days after notice in writing to the road authority that the surplus of such paving, metalling or material is ready for removal, such surplus is not removed by the said 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 shall think fit. Any difference between the

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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 all differences between the Company and any road authority.

Temporary tramways to be made where necessary.

38. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways by this Act is authorised to be laid, it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Company may subject to such conditions, and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same, or any adjacent road, and subject to the like conditions, and in accordance with the like regulations, maintain so long as occasion may require a temporary tramway, or temporary tramways, in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arises between the Company and any road authority with respect to the reasonableness of any conditions or regulations, or with respect to the mode of constructing any temporary tramway, or temporary tramways, under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Traffic in roads not to be impeded.

39. During the construction of any works by this Act authorised in any roads, the Company shall cause as little impediment as possible to the traffic along such roads, and shall make such arrangements in the execution of such works as the road authority of such district may, from time to time, by writing reasonably require, for preventing such traffic from being unnecessarily impeded.

Provisions as to construction of tramways.

40. In addition to the requirements of section twenty-six 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 and the said road authority a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramway, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, or renewal of any of the tramways, or part of any of the tramways respectively authorised by this Act, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade and the said road authority, 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 prescribed by section twenty-six of the said Act.

For the protection of the Fulham District Board of Works.

41. For the protection of the Board of Works, Fulham district, in the county of Middlesex (herein-after in this section called the district board) the following provisions shall have effect and shall be observed and performed by the Company (that is to say) :—

(A.)—With regard to the mode in which the tramways shall be laid down and constructed, and the materials to be employed, the following conditions shall, subject to the provisions of this Act, apply and have effect :—

(I.)—The rails of the tramways shall be of Bessemer steel, weighing not less than fifty pounds per lineal yard, and shall be fixed by wrought-iron wedges three feet apart on to cast-iron supports ten inches wide at the base, giving continuous support to the paving stones which shall be laid on each side of the rail. Such supports shall weigh not less than sixty pounds per lineal yard. Concrete shall be laid six inches thick and eight feet wide for each single line, and in the case of double lines, to the width of the surface pitched with granite, levelled off at the top to a correct surface and formed of three measures of good Thames ballast free from dirt, and two measures of good sharp sand, and one measure of Portland cement. The rails, cast-iron supporters, points and crossings, plates and fastenings of approved material, shall be laid on concrete, and the surface between the rails, and for a width of eighteen inches outside of them, shall be paved with approved granite setts six inches deep and four inches wide, and not less than six inches or more than nine inches long, laid on a bed of sand or approved ashes, their top surface level with the rails, and grouted with a liquid mixture of sand and lime, as shown upon a section and longitudinal section marked "A," signed by the Company and sealed by the district board and deposited with the Board of Trade.

(II.)—All paving, metalling, or material excavated shall remain the property of the district board, and the Company shall, at their own costs and charges, remove and cart away such paving, metalling, or material to such places as the district board or their surveyor may require, and if at any time the Company fail to comply with these several provisions, they shall be subject to a penalty not exceeding five pounds, and to a further penalty of five

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pounds per day for every day on which the Company shall proceed with the said work of construction, laying down, maintenance, and renewal of the tramways without complying with the aforesaid provisions; such penalties to be recovered in manner set out in the fifty-sixth section of the Tramways Act, 1870.

(B.)—The portion of the road upon which Tramway No. 2 is to be laid between Goldhawk Road and Shaftesbury Road (shown on the deposited plans as a double line), shall for the width between the rails, and for eighteen inches on each side thereof, be paved with approved granite cubes or setts three inches by seven inches, laid on concrete, and grouted as described in sub-section (A.) The margins of the road remaining on each side shall, as the tramway track is completed, and before the opening of the tramway for traffic, be thoroughly restored, and coated by the Company with approved new broken granite to a depth of three inches if required by the district board.

(C.)—The whole length and whole of the width of the road from kerb to kerb on which Tramway No. 2 is to be laid from Shaftesbury Road to Studland Street, and the whole length and the whole width from kerb to kerb of the road on which Tramway No. 3 is to be laid from Studland Street to the Broadway and Beadon Road shall be paved with approved granite setts, three inches by six inches, laid upon concrete, and grouted, as described in sub-section (A), or paved with such other materials as the district board and the Company may agree upon, and shall be maintained and repaired by the Company during the continuance of the tramway to the satisfaction of the district board.

The wood pavement belonging to the district board in part of the above road shall be taken up and removed by the Company to such place as may be directed by the said district board.

(D.)—The whole of the length and the whole of the width from kerb to kerb of the road on which Tramway No. 4 is to be laid from the Broadway and Beadon Road, to and inclusive of ten feet on the north-west corner of Overstone Road, shall be paved with granite cubes, three inches by six inches, laid upon concrete, and grouted as described in sub-section (A), and shall be maintained and repaired by the Company during the continuance of the tramway to the satisfaction of the district board.

The other part of the length of road upon which Tramway No. 4 is to be laid from the said north-west corner of Overstone Road to the junction with Tramway No. 2, shall, as between the rails of the tramway and eighteen inches on each side thereof, be paved with approved granite cubes, three inches by six

inches, laid on concrete, and grouted as described for single and double lines in sub-section (A).

The margins of the road remaining on each side shall, as the tramway track is completed and before the opening of the tramway for traffic, be thoroughly restored and coated by the Company with new approved broken Guernsey granite, to a depth of three inches, if required by the district board.

(E.)—Tramway No. 3 shall be laid as near as possible in the centre of the road, and Tramway No. 3 and Tramway No. 4 shall be constructed as one connected tramway (with the junction with No. 2, as shown on the deposited plans) if so required in writing by the district board, and shall be wholly and entirely completed before the same is opened for traffic, and if so requested in writing by the district board shall also be worked, and carriages run thereon as one tramway. No part of the road between Shaftesbury Road and Broadway and Beadon Road shall be used as a terminal or stopping station, nor for the change of horses and no crossings, turn-outs or junctions for any purpose constructed on such part of the said tramway between Shaftesbury Road, the Broadway and Beadon Road.

(F.)—In addition to any other provisions of this Act, the Company shall maintain and keep the tramways in good condition and repair to the satisfaction of the district board; and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid, they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues; and further, the district board may, if they think fit, at any time after three days' notice to the Company, open and break up the road, and do the works necessary for the proper repair of the said tramways, and the expense incurred in so doing shall be repaid to them by the Company, and such penalty and any expense incurred as aforesaid may be recovered in manner provided by the said section 56 of the Tramways Act, 1870, but by the said district board only, and in the event of any expense being incurred as aforesaid by the district board in the repair, maintenance or restoration of the road, rails, or substructure, they shall be at liberty to provide for and pay such expense out of the money or securities deposited with their treasurer under the provisions of the Order authorising the construction of the Shepherd's Bush and Hammersmith Tramways (1881) until the amount of such expenses shall have been recovered from the Company in manner aforesaid, and for this purpose to sell and convert, if they think fit, such

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securities or any part thereof; and upon the recovery of such amount from the Company, the district board shall hold the same upon the same terms and for the same purposes as they held the moneys or securities applied in payment of the said expenses as aforesaid, and as if such amount so recovered had formed part of the original deposit; and if any difference arises between the district board and the Company in relation to the due completion of the said tramways, such matter in difference shall be settled in manner provided by section 33 of the Tramways Act, 1870.

(G.)—If the district board should so require, the Company, at their own cost shall raise or lower the surface of any part of the roads on which any of the tramways are to be laid, and lay the rails on to the level and in the manner directed by and to the approval of the surveyor to the district board.

(H.)—The Company shall pay to the district board the sum of one thousand pounds, to be paid within two months after the passing of the Act authorising the construction of the said tramways, and before the commencement of the same.

For the protection of the vestry of Richmond.

42. For the protection of the vestry of the parish of Richmond, in the county of Surrey (herein-after in this section called the vestry), the following provisions shall have effect and shall be observed and performed by the Company (that is to say)—

(A.)—With regard to the mode in which the tramways shall in the road called or known as the Kew Road (herein-after in this section called the road), in the parish of Richmond, be laid down and constructed and the materials to be employed, the following conditions shall, subject to the provisions of sections 32 and 38 of this Act, apply and have effect.

1. The rails of the tramways shall be grooved and not more than one inch wide in the groove, and shall be of Bessemer steel, weighing not less than 50 lbs. per lineal yard, and shall be fixed by wrought-iron wedges three feet apart on to cast-iron supports, ten inches wide at the base, giving continuous support to the paving stones laid on each side of the rail.

2. The supports shall weigh not less than 60 lbs. per lineal yard.

3. Concrete shall be laid six inches thick beneath all pitching herein-after specified to be laid, and for a width of 12 inches beyond such pitching, the whole levelled off at the top to a correct surface and formed of three measures of screened macadam, free from dirt, and two

measures of good sharp sand and one measure of Portland cement.

4. The rails, cast-iron supports, points and crossings, plates and fastenings of approved material shall be laid on concrete, and the road between the rails of the tramways, and where two tramways are laid the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramways shall be paved with approved granite setts six inches deep and four inches wide, not less than six inches nor more than nine inches long, laid on a bed of sand or approved ashes, their top surface level with the rails and grouted with a liquid mixture of sand and lime, as shown upon a section and longitudinal section marked "A," signed in duplicate by Joseph Kincaid, on behalf of the Company, and by William Eve, on behalf of the vestry, one copy of which is in the custody of the Company and the other copy in the custody of the vestry, and on the remainder of the concrete the Company shall lay hard core and broken granite four inches thick.

(b.)—The Company shall not, without the previous consent in writing of the vestry, at any one time open or break up the road in more than two places, or open or break up a greater length than two hundred yards of the road at any one place, and the Company shall leave an interval of at least four hundred yards between any two places at which they may open or break up the road, and the Company shall within twenty-one days at the most from the time of the opening or breaking up of any portion of the road lay and complete the tramway and all pitching on the portion of the road so opened or broken up.

(c.)—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, to the satisfaction of the vestry, the rails of the tramway in the district over which the vestry has jurisdiction and the substructure upon which the same rests, 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 further, the vestry, if they think fit, may themselves, at any time after three days' notice to the Company, open and break up the road, and do the works

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necessary for the proper repair of the said rails and sub-structure, and the expense incurred by the vestry in so doing shall be repaid to them by the Company, and such penalty and any expense so incurred as aforesaid may be recovered by the vestry in manner provided by section 56 of the said Act.

(D.)—The Company shall at all times keep the crown of the road between the rails of the tramway three quarters of an inch, or as near thereto as may be, above the level of the rails.

(E.)—The Company shall from time to time, for a period of twelve months at the least after the paving or repaving by them with granite setts of any portion of the road, keep in repair the road for a width of one foot at the least beyond the portion which shall be so paved or repaved.

(F.)—The Company may use, under the direction and to the satisfaction of the surveyor to the vestry, such quantity of paving, metalling, or material excavated in the construction of works as shall be required for the purpose of forming the concrete substructure of the tramways; all surplus paving, metalling, or material so excavated shall remain the property of the vestry, and the Company shall at their own costs and charges remove and cart away such surplus paving, metalling, or material to such places as the vestry or their surveyor may require.

(G.)—The second line or passing-place shown on the deposited plans as intended to be constructed at and near the point marked thereon, five furlongs from the commencement of the tramway No. 5, shall not be constructed at the point shown on the deposited plans, but may be constructed at such point to the northward thereof as the vestry may in writing consent to.

(H.)—The Company shall make and complete that portion of the tramways which shall be situate in the parish of Richmond within nine months from the commencement thereof.

(I.)—If and whenever in the opinion of the vestry it shall be necessary or expedient for the purpose of constructing, or altering, or repairing any sewer, or drain, or laying down, altering, or repairing any water mains or pipes in that portion of the road which is situate in the parish of Richmond to interfere with any of the tramways of the Company, or the roadway in which the same shall be made, the vestry may, without any consent or concurrence on the part of the Company, enter upon and interfere with such tramways or roadway after having given (except in case of emergency) at least ten days' previous notice in writing to the Company of their intention

so to do, and the Company shall, during the execution of any such works, either suspend the traffic upon such tramways, or make provision at their own expense for carrying on the same in a manner satisfactory to the surveyor of the vestry, so as not to interfere with any such work, and shall have no claim for compensation against the vestry.

(k.)—All works to be made and executed by the Company in the parish of Richmond under the provisions of this Act, shall be made, executed and done in all things at the sole cost of the Company, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the vestry, and according to plans, sections, and specifications to be previously submitted to and approved of by the vestry before any of the works are begun.

(l.)—As security to the vestry for the due completion to their satisfaction of the tramways in the parish of Richmond, and for the repair, maintenance or restoration of the road, rails, and substructure as provided for by the Tramways Act, 1870, and by this Act the Company shall, within one month after the passing of this Act deposit with the treasurer of the vestry the sum of four hundred pounds, or at the option of the vestry assign to such treasurer such other security of not less value as the vestry may consider sufficient, and the said sum, or any such security to be held in lieu thereof as aforesaid, shall be held by the said treasurer during the continuance of and until the removal of the said tramways, and in the event of any expense being incurred as aforesaid by the vestry in the repair, maintenance, or restoration of the roads, rails, or substructure, they shall be at liberty to provide for and pay such expense out of the money or securities so to be deposited with their treasurer until the amount of such expenses shall have been recovered from the Company in manner aforesaid, and for this purpose to sell and convert, if they think fit, such securities or any part thereof, and upon the recovery of such amount from the Company, the vestry shall hold the same upon the same terms and for the same purposes as they held the moneys or securities applied in payment of the said expenses as aforesaid, and as if such amount so recovered had formed part of the original deposit, provided that during the continuance of such deposit the vestry shall pay to the Company interest on the said sum of four hundred pounds at such rate as the vestry may receive for the same, or if securities of that value are (in lieu of cash) deposited with the treasurer of the vestry as aforesaid, the interest or dividend on such securities shall be payable to and received by the Company.

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(m.)—The Company shall not in the parish of Richmond use any bells on their horses or cars without the previous consent in writing of the vestry, such consent being revocable at any time by the vestry.

(n.)—If at any time the Company fail to comply with any of the provisions of this section they shall be liable to a penalty of not exceeding five pounds for each such default, and to a further penalty of five pounds per day for every day during which the default shall continue, such penalties to be recovered in manner set out in the 56th section of the Tramways Act, 1870.

(o.)—If any difference shall at any time arise between the vestry and the Company touching the construction or effect of any of the provisions of this section, or as to the mode of giving effect thereto, the matter in difference shall be settled by an engineer or other fit person nominated by the Board of Trade on the application of either party, and the expense of the reference shall be borne and paid by the Company.

(p.)—The provisions of this section shall be in addition to and, except in so far as inconsistent therewith, shall not be in substitution for the provisions of the Tramways Act 1870.

For the protection of the Chiswick Improvement Commissioners.

43. For the protection of the Chiswick Improvement Commissioners (herein-after in this section called the Commissioners), the following provisions shall have effect, and shall be observed and performed by the Company (that is to say)—

(a.)—The construction of the tramways in Chiswick shall be as follows:—Rails of Bessemer steel, fifty pounds per lineal yard, fixed by wrought-iron wedges three feet apart on to cast-iron supports ten inches wide at the base, giving continuous support to the paving stones laid on each side of the rail, the supports to weigh sixty pounds per lineal yard, concrete to be laid six inches thick and eight feet wide for each single line, levelled off at the top to a correct surface, and formed of three measures of screened macadam free from dirt, and two measures of good sharp sand and one measure of Portland cement. Rails, cast-iron supports, points and crossings, plates and fastenings of approved material, to be laid on concrete, and the surface between the rails, and for a width of eighteen inches outside of them, to be paved with approved granite setts six inches deep and four inches wide, not less than six inches or more than nine inches long, laid on a bed of sand or approved ashes, their top surface level with the rails, and grouted with a liquid mixture of sand and lime, as shown upon a section and longitudinal section marked "A," signed on behalf of the Company and sealed

by the Commissioners and deposited with the Commissioners on the eighth day of February, 1882.

(B.)—The Company may use, under the direction and to the satisfaction of the surveyor to the Commissioners, such quantity of paving, metalling, or material excavated in the construction of works as shall be required for the purpose of forming the concrete substructure of the tramway, all surplus paving, metalling, or material so excavated remaining the property of the Commissioners, and the Company shall, at their own costs and charges, remove and cart away such surplus paving, metalling, or material, to such places as the said Commissioners or their surveyor may require; and if at any time the Company fail to comply with these several provisions they shall be subject to a penalty of not exceeding five pounds, and a further penalty of five pounds per day for every day on which the Company shall proceed with the said work of construction, laying down, maintenance, and renewal of the tramways without complying with the aforesaid provisions; such penalties to be recovered in manner set out in the 56th section of the Tramways Act, 1870.

(C.)—The tramways and works within the district over which the Commissioners have jurisdiction shall be completed within a period of six months from the commencement, or such extended period as the Commissioners may authorise, and the said tramways and works shall either be completed prior to the twenty-fifth of March, 1883, or if this is not practicable, the said tramways and works shall not be commenced, or the High Road, Chiswick, in any way interfered with or broken up, until after the said twenty-fifth March, 1883, and the Company shall also indemnify the Commissioners against any loss they may sustain by the non-payment of the county contribution towards the maintenance of the said High Road within the said district during the financial year or any part thereof in which the tramways and works by this Act authorised shall be in course of construction; provided always that the Commissioners will use their best endeavours to obtain the payment of the full amount of the said contribution during those periods.

(D.)—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 to the satisfaction of the Commissioners the rails of the tramways in the district over which the said Commissioners have jurisdiction by this Act authorised, and the substructure upon which the same rest; and the Company shall further during the construction of the said tramways and

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works repay to the Commissioners the extra expense the Commissioners will or may incur (exclusive of the amount of the county contribution) in raising and making uniform in level with the tramways and works of the Company, and of the maintenance and keeping in good condition and repair and to the satisfaction of the Commissioners the portions of roadway up to the kerb and channel on each side of the tramways and works of the Company, the amount of such extra expense to be settled by the surveyor for the time being of the Commissioners, and the engineer for the time being 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 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 further the Commissioners, if they think fit, may themselves at any time after three days' notice to the Company open and break up the road, and do the works necessary for the proper repair of the said rails and substructure, and the expense incurred by the Commissioners in so doing shall be repaid to them by the Company, and such penalty and any expense so incurred as aforesaid may be recovered by the Commissioners in manner provided by section 56 of the said Act.

(E.)—As security to the Commissioners for the due observance and performance of the conditions herein-before contained, and for the due completion to their satisfaction of the tramways authorised by this Act, and for the repair, maintenance, or restoration of the road, rails, and substructure, as provided for by the Tramways Act, 1870, and by this Act, the Company, in addition to complying with the provisions of section 12 of the Tramways Act, 1870, and Rule 21 of the Board of Trade Rules, in force at the time of this Act, shall, within two months after the passing of this Act, deposit with the Manager of the Hammersmith Branch of the London and County Bank, or other the Treasurer for the time being of the Commissioners, the sum of one thousand pounds, or at the option of the Commissioners assign to such treasurer such other security of not less value, as the Commissioners may consider sufficient; and the said sum, or any such security to be held in lieu thereof as aforesaid, shall be held by the said treasurer during the continuance of and until the removal of the said tramways, and in the event of any expense being incurred as aforesaid by the Commissioners in the repair, maintenance, or restoration of the road, rails, or substructure, they shall be at liberty to provide

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for and pay such expense out of the money or securities so to be deposited with their treasurer, until the amount of such expenses shall have been recovered from the Company in manner aforesaid, and for this purpose to sell and convert if they think fit such securities or any part thereof; and upon the recovery of such amount from the Company, the Commissioners shall hold the same upon the same terms and for the same purposes as they held the moneys or securities applied in payment of the said expenses as aforesaid, and as if such amount so recovered had formed part of the original deposit; and if any difference arises between the Commissioners and the Company in relation to the due completion of the said tramways, such matter in difference shall be settled in manner provided by section 33 of the Tramways Act, 1870, provided that during the continuance of such deposit, the Commissioners shall pay to the Company interest on the said sum of one thousand pounds, at such rate as the Commissioners may receive for the same, or if securities of that value are (in lieu of cash) deposited with the treasurer of the Commissioners as aforesaid, the interest or dividend on such securities shall be payable to and received by the Company.

For the protection of the Brentford Local Board.

44. For the protection of the Brentford Local Board (herein-after in this section called the local board) the following provisions shall have effect, and shall be observed and performed by the Company (that is to say)—

(A.)—The construction of the tramways within the district of the local board shall be as follows:—Rails of Bessemer steel, fifty pounds per lineal yard, fixed by wrought-iron wedges three feet apart on to cast-iron supports ten inches wide at the base, giving continuous support to the paving stones laid on each side of the rail, the supports to weigh sixty pounds per lineal yard, concrete to be laid six inches thick and eight feet wide for each single line, levelled off at the top to a correct surface, and formed of three measures of screened macadam free from dirt, and two measures of good sharp sand and one measure of Portland cement. Rails, cast-iron supports, points and crossings, plates and fastenings of approved material, to be laid on concrete, and the surface between the rails, and for a width of eighteen inches outside of them, to be paved with approved granite setts six inches deep and four inches wide, not less than six inches or more than nine inches long, laid on a bed of sand or approved ashes, their top surface level with the rails, and grouted with a liquid mixture of sand and lime.

(B.)—The Company may use, under the direction and to the satisfaction of the surveyor to the local board, such quantity of

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paving, metalling, or material excavated in the construction of works as shall be required for the purpose of forming the concrete substructure of the tramway, all surplus paving, metalling, or material so excavated remaining the property of the local board, and the Company shall, at their own costs and charges, remove and cart away such surplus paving, metalling, or material, to such places as the local board or their surveyor may require; and if at any time the Company fail to comply with these several provisions they shall be subject to a penalty of not exceeding five pounds, and a further penalty of five pounds per day for every day on which the Company shall proceed with the said work of construction, laying down, maintenance, and renewal of the tramways without complying with the aforesaid provisions; such penalties to be recovered in manner set out in the 56th section of the Tramways Act, 1870.

(c.)—The tramways and works within the district over which the local board have jurisdiction shall be completed within a period of six months from the commencement, or such extended period as the local board may authorise, and the said tramways and works shall either be completed prior to the twenty-fifth of March, 1883, or if this is not practicable, the said tramways and works shall not be commenced, or the Kew Bridge Road in any way interfered with or broken up, until after the said twenty-fifth March, 1883, and the Company shall also indemnify the local board against any loss they may sustain by the non-payment of the county contribution towards the maintenance of the said Kew Bridge Road within the said district during the financial year or any part thereof in which the tramways and works by this Act authorised shall be in course of construction; provided always that the local board will use their best endeavours to obtain the payment of the full amount of the said contribution during those periods.

(d.)—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 to the satisfaction of the local board the rails of the tramways in the district over which the said local board have jurisdiction by this Act authorised, and the substructure upon which the same rest; and the Company shall further during the construction of the said tramways and works repay to the local board the extra expense the local board will or may incur (exclusive of the amount of the county contribution) in raising and making uniform in level with the tramways and works of the Company, and of the maintenance and keeping in good condition and repair and to the satisfaction

of the local board the portions of roadway up to the kerb and channel on each side of the tramways and works of the Company, the amount of such extra expense to be settled by the surveyor for the time being of the local board, and the engineer for the time being 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 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 further the local board, if they think fit, may themselves at any time after three days' notice to the Company open and break up the road, and do the works necessary for the proper repair of the said rails and substructure, and the expense incurred by the local board in so doing shall be repaid to them by the Company, and such penalty and any expense so incurred as aforesaid may be recovered by the local board in manner provided by section 56 of the said Act.

For protection of Middlesex main roads. 41 & 42 Vict. c. 77.

45. The Company shall execute the works by this Act authorised, so far as the same affect any main roads in the county of Middlesex, as such roads are defined by the Highways and Locomotives (Amendment) Act, 1878, subject to the following conditions, videlicet:—

(A.)—The Company shall execute the works as aforesaid according to the plan, section, and specification which have been signed by the surveyor of county bridges on behalf of the justices of the peace for the county of Middlesex, and by Joseph Kincaid on behalf of the Company, and are marked A and B respectively, and are dated the seventeenth day of March, 1882.

(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 charges incident to the approval of the said plan and section and specification and the superintendence of the works shall be paid by the Company, and the Company shall at the like expense subsequently maintain the same and all necessary works connected therewith in good substantial condition, to the reasonable satisfaction of the said surveyor.

Saving rights of the Crown.

46. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent

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in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose which consent such Commissioners are hereby respectively authorised to give; neither shall anything in the said Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in, or enjoyed, or exercisable by the Queen's Majesty, Her heirs or successors.

Company not to interfere with land and road in charge of Commissioners of Works without consent.

47. Nothing contained in this Act shall authorise the Company to take, use, enter upon, or in any manner interfere with any portion of the road from Kew to Richmond which is now kept in repair by the Commissioners of Her Majesty's Works and Public Buildings, or any land, drain, cesspool, or other easement belonging to or vested in Her Majesty, or in the said Commissioners, or under the management of the said Commissioners, without the consent in writing of the said Commissioners, or the First Commissioner for the time being, first had and obtained, which consent the said Commissioners, or First Commissioner, are and is hereby authorised to give on such terms and subject to such conditions as they or he may think fit to prescribe.

Capital.

48. The capital of the Company shall be one hundred and thirty thousand pounds, divided into thirteen thousand shares of ten pounds each.

Substitution of shares in Company for shares in Limited Company.

49. Upon the passing of this Act, the several persons who immediately before the passing of this Act were the registered members of the Limited Company, shall respectively be entitled by way of substitution for the shares held by them in the Limited Company, to the like number of shares in the Company, that is to say, one share in the Company for each share in the Limited Company, and such shares shall be vested in them accordingly. Every share so vested shall be deemed to be paid-up to the same extent and no more as the share in the Limited Company for which it is substituted, and any amount remaining unpaid upon any such shares may be called up in the same manner as if the shares were issued to new subscribers under the authority of this Act.

Vesting of shares in present shareholders by way of substitution.

50. Every share so vested shall be subject and liable to the same bequests, trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the share in the Limited Company for which it is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Company shall call in and cancel existing

51. The Company shall call in and cancel the existing certificates of shares in the Limited Company, and issue in lieu thereof certificates of the substituted shares in the form and under the conditions pre-

scribed by the Companies Clauses Consolidation Act, 1845, but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship of shares under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

share certificates, and issue new certificates in lieu thereof.

52. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person 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.

Shares not to be issued till one-fifth paid up.

53. One-fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls.

Calls.

54. The Company may convert into stock the whole or any part of the original capital when fully paid up.

Power to convert shares into stock.

55. 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.

Receipt in case of persons not sui juris.

56. The Company may at any time, and from time to time, after the passing of this Act, borrow on mortgage any sum not exceeding in the whole thirty-two thousand five hundred pounds, at the time or times after mentioned (that is to say), forthwith after the passing of this Act, a sum not exceeding fifteen thousand pounds in respect of the capital to be vested or issued by way of substitution for shares in the Limited Company as aforesaid, and a sum not exceeding five thousand pounds when an additional twenty thousand pounds of capital shall have been issued and accepted, and one-half thereof shall have been paid up and certified as herein-after mentioned; and a sum not exceeding five thousand pounds when an additional twenty thousand pounds of capital shall have been issued and accepted, and one-half thereof shall have been paid up and certified as herein-after mentioned; and a sum not exceeding three thousand seven hundred and fifty pounds when a further additional fifteen thousand pounds of capital shall have been issued and accepted, and one-half thereof shall have been paid up and certified as herein-after mentioned; and a sum not exceeding three thousand seven hundred and fifty pounds when the remaining fifteen thousand pounds of capital shall have been issued and accepted, and one-half thereof shall have been paid up and certified as herein-after mentioned, but no part of the said respective sums of five thousand pounds, five thousand pounds, three thousand seven hundred and

Power to borrow on mortgages.

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fifty pounds, and three thousand seven hundred and fifty pounds shall be borrowed until 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 the required amount of capital has been issued and accepted, and that one-half thereof has been paid up, and that not less than one-fourth part of the amount of each separate share in the required amount of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued and accepted, and paid up bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors or assigns, and that such persons or corporations, 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.

For appointment of a receiver.

57. The mortgagees of the Company 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 one thousand five hundred pounds in the whole.

Company not to create debenture stock.

58. The Company shall not create debenture stock.

Mortgage to comprise purchase-money paid on compulsory sale.

59. 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 forty-three of the Tramways Act, 1870, or under this Act, 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 local authority.

60. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramway, or the tramway undertaking, in the event of its being purchased by the local authority under the forty-third section of the Tramways Act, 1870, or under this Act.

Application of moneys raised under this Act.

61. All the money raised under the authority of this Act shall be applied only to the purposes authorised by this Act.

Number of directors.

62. The number of directors shall be not less than three nor more than seven.

Qualification of directors.

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

Quorum.

64. The quorum of a meeting of directors shall be three, but when the number of directors is less than five the quorum shall be two.

First directors.

65. John Beattie, Charles Edward Davison, Luke Bishop, and Arthur Handyside, 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.

Election of directors.

66. 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 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, subject to the powers herein-before contained for varying the number of directors, shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act, 1845, contained, and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First ordinary meeting.

67. The first ordinary meeting of the Company shall be held within six months next after the passing of this Act.

Auditors not required to hold shares.

68. The auditors need not hold shares in the Company.

Power to purchase lands.

69. The Company may from time to time purchase, take upon lease, or otherwise acquire (by agreement) such land as they may require for the purposes of their undertaking not exceeding in the whole three acres, and may at any time sell and dispose of any such land or any part thereof and in like manner acquire other land, provided that the quantity of land held by the Company do not at any time exceed the said quantity.

Scale of voting.

70. The prescribed scale of voting shall be one vote in respect of every ten pounds of paid-up capital of the Company.

Extending sections of 1881 Order to this Act.

71. The Company may demand and take in respect of the tramways by this Act authorised the tolls and charges which are by the Order of 1881 respectively authorised to be demanded and taken with respect to the tramways by that Order authorised as if the tramways by this Act authorised had formed part of the tramways by that Order authorised, and sections twenty-five to thirty, both inclusive, of the Order of 1881 are incorporated with and form part of this Act, and shall extend and apply to the

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tramways by this Act authorised, and the passengers using the same, and the tolls to be taken for the use of the same as fully and effectually to all intents and purposes as if those sections had been repeated, and expressly re-enacted in this Act with reference thereto.

Proof of bye-laws.

72. The production of a written or printed copy of any bye-laws made under the authority of this Act, or the recited Acts, or the recited Orders or the Tramways Act, 1870, authenticated by the signature of any secretary or assistant secretary of the Board of Trade, shall, without proof of the signature of such secretary or assistant secretary, be primâ facie evidence of the existence of such bye-laws, and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled.

Provisions as to arbitration. 17 & 18 Vict. c. 125.

73. Where under the provisions of the Tramways Act, 1870, and this Act, any matter or difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

74. With respect to the notices to be delivered under the recited Orders and under this Act, and to the delivery thereof by or to the Company, the following provisions shall have effect (namely):—

Every notice shall be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated if given by the local authority by being signed by their clerk or secretary.

Any notice to be delivered by or to the Company, to or by any road authority or local authority, or other body or any Company, may be delivered by being left at the principal office of that authority, body, or company, or of the Company (as the case may be), or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office, and every such letter shall be deemed to be received by the authority, body, or company, or by the Company (as the case may be), on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Agreements between Company and road authorities.

75. The Company and any road authority may, subject to the provisions of this Act from time to time enter into any agreements with respect to the constructing, maintaining, removing, renewing, repairing, and using of the tramways, situated within the

district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating of the traffic over the same.

Company to contract with road authority.

76. The Company shall, if required by the road authority, make contracts with the road authority for all or any of the purposes for which contracts may be made between the promoters of any tramway undertaking and a road authority, under the authority of section twenty-nine of the Tramways Act, 1870. Provided always that the terms of any contracts shall in case the same are not agreed upon between the Company and the road authority be determined by a referee to be appointed by the Board of Trade for such purpose.

Company shall exercise powers, &c., of promoters of Orders of 1873, 1876, and 1881.

77. Subject to the provisions of this Act, the Company shall, from and after the passing of this Act, exercise and enjoy all the rights, powers, privileges and authorities given to the respective promoters of the undertakings of the Order of 1873, the Order of 1876, and the Order of 1881 respectively, and shall be liable to all the conditions and provisions contained in the said Orders respectively relating to such undertakings respectively.

Deposit money not to be repaid until line opened.

78. 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 one thousand seven hundred and sixty pounds new £3 per cent. annuities equal to five per centum upon the amount of the estimate in respect of the tramways by this Act authorised has been deposited with 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 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 completion of the tramways by this Act authorised, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid, the Company open any portion of such 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 tramway so opened bears to the entire length of the tramway hereby

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authorised, the court 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 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.

79. If the Company do not, previously to the expiration of the period limited for the completion of the tramways by this Act authorised, complete and open the same 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, or who have been subjected to injury or loss in consequence of the powers 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 incurred by them in taking up any tramways or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramways, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the 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.

Repeal of inconsistent provisions.

80. All or any rights or privileges, whether relating to the Order of 1873, the Order of 1876, the Order of 1881, and the undertakings thereby authorised respectively, or any of them, or relating directly or indirectly to the promoters or otherwise howsoever, so far as the same are or may be inconsistent with the objects and purposes of this Act, are hereby extinguished.

Interest not to be paid on calls paid up.

81. The Company shall not out of any money by this Act authorised to be raised by calls pay interest or dividends to any shareholder on the amount of 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.

Deposit for future bills not to be paid out of capital.

82. 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.

Tramways not exempt from provisions of general Act.

83. Nothing herein contained shall be deemed or construed to exempt the tramways by this Act authorised 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 the recited Acts and Orders.

Expenses of Act

84. 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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