



## CHAPTER cxcviii.

An Act for conferring further powers on the London A.D. 1904.  
United Tramways (1901) Limited for constructing tram-  
ways and widening and altering roads and acquiring  
lands in the counties of Middlesex Surrey and London  
and for other purposes. [15th August 1904.]

**W**HEREAS the London United Tramways (1901) Limited (in this Act called "the Company") under and by virtue of the London United Tramways Acts 1873 to 1903 and the London United Tramways Limited (Light Railway Extensions) Order 1898 (in this Act called "the Order of 1898") are the owners of or are authorised to construct tramways and light railways and execute other works in the counties of Middlesex Surrey and London and by the London United Tramways (Light Railway Extensions) Order 1904 (in this Act called "the Order of 1904") now awaiting confirmation by the Board of Trade it is proposed to confer powers upon the Company for the construction of light railways in the county of Middlesex :

And whereas it is expedient that the Company should be empowered to construct the tramway in this Act described and in connection therewith and with their existing and authorised tramways and light railways to widen and alter the roads and acquire the lands in this Act mentioned or referred to in that behalf and that the other powers in this Act mentioned or referred to should be conferred upon the Company :

And whereas plans and sections showing the lines and levels of the works by this Act authorised such plans showing the lands to be taken compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and

A.D. 1904. of the occupiers of those lands have been deposited with the clerks of the peace for the counties of Middlesex Surrey and London respectively and are in this Act referred to respectively as the deposited plans sections and book of reference :

And whereas it is expedient that the time now limited by the London United Tramways Act 1901 (in this Act referred to as "the Act of 1901") for the construction of tramway No. 7 authorised by the London United Tramways Act 1898 (in this Act referred to as "the Act of 1898") and the time now limited by the London United Tramways Act 1902 (in this Act referred to as "the Act of 1902") for the compulsory purchase of lands for the purposes of the widenings authorised by the London United Tramways Act 1899 (in this Act referred to as "the Act of 1899") and the time now limited by the London United Tramways Act 1900 (in this Act referred to as "the Act of 1900") for the construction of the Tramways Nos. 2 2A and 3 by that Act authorised and the time now limited by the Act of 1901 for the construction of the tramways by that Act authorised and for the compulsory purchase of the lands by that Act authorised to be acquired should be respectively extended as provided by this Act :

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 King'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 be cited for all purposes as the London United Tramways Act 1904 and the London United Tramways Acts 1873 to 1903 and this Act and the Orders of 1898 and 1904 may be and are in this Act referred to as the London United Tramways Acts 1873 to 1904.

Incorporation of general Acts.

**2.** The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 :

Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General. The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878. A.D. 1904.

**3.** In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings. And Interpretation.

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

The expression "the undertaking" means the undertaking of the Company authorised by the London United Tramways Acts 1873 to 1904.

**4.** If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the town clerk of the city or borough or the clerk to the district council of the urban district or the clerk to the parish council of the parish (as the case may be) in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate. Correction of errors &c. in deposited plans and book of reference.

**5.** Subject to the provisions of this Act the Company may make form lay down work use and maintain in the lines and Power to make tramway.

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according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramway herein-after described with all proper rails plates sleepers works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

The Tramway herein-before referred to and authorised by this Act will be situate in the county of Middlesex and is—

Tramway No. 2 commencing in the Staines Road in the parish of East Bedfont-with-Hatton by a junction with Tramway No. 3 authorised by the London United Tramways Act 1900 at the boundary between the parishes of Heston and East Bedfont-with-Hatton at or near the centre of Baber Bridge passing thence along the Staines Road London Road High Street and Clarence Street Staines and terminating in Clarence Street at a point 67 yards or thereabouts west of a point in that street in line with the western side of Market Square;

Tramway No. 2 will be 5 miles 1 furlong and 4·70 chains in length all double line.

Street widenings &c. on route of tramway.

6. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections widen the streets roads and bridges upon which the tramway is intended to be laid and the carriage-ways thereof at the places and to the extent and in the manner delineated or shown on the deposited plans and may enter upon take and use for those purposes and for the general purposes of their undertaking and may hold sell let or exchange all or any of the lands delineated on the said plans and described in the deposited book of reference relating thereto and may upon any such lands erect such offices depôts buildings works and conveniences (other than a station or works for generating electrical power) as they may think fit.

Certain parts of tramway not to be made until streets or carriage-ways widened.

7. Where any part of any street or road along which the tramway is intended to be laid or the carriage-way thereof is by this Act authorised to be widened the Company shall not lay down or construct the tramway in the part of the street or road or carriage-way to be so widened unless and until the street or road or carriage-way shall have been widened to such extent as may be necessary to leave a space of nine feet six

inches between the outside of the footpath and the nearest rail of the tramway on the side of the street or road or carriage-way on which such widening is to be made or unless the tramway is in such part of the street or road or carriage-way shown on the deposited plans as intended to be so constructed that a less space than nine feet six inches will intervene between the outside of the footpath and the nearest rail of the tramway. A.D. 1904.

**8.** Subject to the provisions of this Act and in addition to any other widenings which they are by this Act authorised to make the Company may widen in the lines and according to the levels shown on the deposited plans and sections relating thereto the streets roads and bridges herein-after mentioned at the places herein-after described and may enter upon take and use for those purposes and for the general purposes of their undertaking and may hold sell let or exchange all or any of the lands houses and premises herein-after described and delineated on the deposited plans relating to the said widenings respectively and described in the deposited book of reference relating thereto and may upon any such lands erect such offices depôts buildings works and conveniences (other than a station or works for generating electrical power) as they may think fit. Other street  
widenings.

The lands herein-before referred to are as follows:—

In the county of Middlesex—

(1) Certain lands in the parish and urban district of Twickenham being the westernmost portion of the private road known as Cole Road at its junction with London Road;

(2) Certain lands in the parish and urban district of Twickenham being the westernmost portion of the private road known as Cole Park Road at its junction with London Road;

(3) Certain lands in the parish and urban district of Twickenham being the westernmost portion of the private road known as Walpole Road and forecourts abutting on the east side of Hampton Road;

(4) Certain lands in the parish and urban district of Teddington adjoining and on the west side of Wellington Road between the Sixth Cross Road and a point 45 yards south of Fulwell Road;

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(5) Certain lands in the parish and urban district of Teddington adjoining and on the west side of Stanley Road between Fulwell Road and Princes Road ;

(6) Certain lands in the parish and urban district of Teddington adjoining and on the west side of Stanley Road between Princes Road and Gloucester Road ;

(7) Certain lands in the parish and urban district of Teddington adjoining and on the south side of Teddington High Street between Field Lane and Udney Park ;

(8) Certain lands in the parish and urban district of Teddington adjoining and on the south side of High Street Teddington in front of the property known as Saint Albans House ;

(9) Certain lands in the parish and urban district of Teddington adjoining and on the east side of Kingston Road extending from Ferry Road in a southerly direction for a distance of 227 yards or thereabouts ;

(10) Certain lands in the parish and urban district of Hampton adjoining and on the east side of High Street being the forecourts of the properties known as Park Place ;

(11) Certain lands in the parish and urban district of Hampton adjoining and on the west side of High Street between the Duke of Clarence public-house and Windmill Road ;

(12) Certain lands in the parish and urban district of Hampton adjoining and on the west side of High Street for a distance of 157 yards or thereabouts south of Windmill Road ;

(13) Certain lands in the parish and urban district of Hampton adjoining and on the west side of High Street between points respectively 16 yards or thereabouts and 47 yards or thereabouts north of Park Place ;

(14) Certain lands in the parish and urban district of Hampton adjoining and on the west side of High

Street for a distance of 38 yards or thereabouts south of Park Place; A.D. 1904.

(15) Certain lands in the parish of Hanworth adjoining and on the north side of the Staines Road for a distance of 85 yards or thereabouts west of the eastern end of the bridge over the Queen's or Cardinal's River;

(16) Certain lands in the parish and urban district of Twickenham and the parish of Hanworth adjoining and on the north side of the Hounslow Road for distances of 145 yards or thereabouts south and 120 yards or thereabouts north of the centre of the county bridge carrying the said road over the River Crane;

(17) Certain lands in the parish of Hanworth adjoining and on the west side of the Hounslow Road at the bridge carrying the said road over the Queen's or Cardinal's River;

(18) Certain lands in the parish of Hanworth adjoining and on the west side of the Hounslow Road at and near its junction with the Staines Road;

(19) Certain lands in the parish of Hanworth adjoining and on the east side of the Hounslow Road at and near to its junction with Staines Road opposite the Oxford Arms public-house;

(20) Certain lands in the parish of Sunbury in the urban district of Sunbury-on-Thames adjoining and on the north side of the Hanworth Road between points respectively 30 yards or thereabouts and 38 yards or thereabouts east of the western side of the Running Horse public-house;

(21) Certain lands in the parish of Heston in the urban district of Heston and Isleworth adjoining and on the north side of the Bath Road for a distance of 130 yards or thereabouts east of the centre of Baber Bridge:

In the county of Surrey—

(22) Certain lands in the parish and borough of Kingston-on-Thames adjoining and on the south side of Clarence Street for a distance of 103 yards or thereabouts east of Church Street:

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In the county of London—

(23) Certain lands in the metropolitan borough of Hammersmith adjoining and on the east side of Askew Road for a distance of 17 yards or thereabouts north of the northern side of Coleman's Buildings ;

(24) Certain lands in the metropolitan borough of Hammersmith adjoining and on the east side of Askew Road between points respectively 41 yards or thereabouts and 47 yards or thereabouts north of the northern side of Hadyn Park Road.

For pro-  
tection of  
Postmaster-  
General.

**9.** If any work authorised by this Act involves the removal or alteration of any Post Office letter-box the Company shall not remove or alter such box but shall give notice to the Postmaster-General of the removal or alteration required and the Postmaster-General shall remove or alter the box as he may think fit and the Company shall pay to the Postmaster-General all expenses incurred by him in relation to such removal or alteration.

For pro-  
tection of  
Metropolitan  
Water  
Board.

**10.** As regards the widening by this Act authorised of the bridge in the parish of Staines known as Billett Bridge so far as such widening will affect the aqueduct or other works belonging to the Metropolitan Water Board (in this section called "the board") the following provisions shall have effect unless otherwise agreed in writing between the board and the Company (that is to say):—

- (1) The Company shall give fourteen days' notice to the board of the intention to commence the said widening and shall at the same time send to the board sufficient plans sections and specifications to show the nature of the proposed works :
- (2) If within fourteen days after the receipt of such notice the board shall serve notice in writing upon the Company giving particulars of such further works as in their opinion require to be done for the protection of their said aqueduct or works the Company shall carry out such further works as failing agreement shall be directed by an engineer to be appointed as herein-after provided which further works (if any) shall together with the works authorised by this Act so far as they affect such aqueduct or works be



[4 EDW. 7.] *London United Tramways Act, 1904.* [Ch. cxcviii.]

executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the board and any expenses which the Board may properly incur in such superintendence shall be repaid by the Company to the Board:

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- (3) If any difference shall arise between the Company and the board as to anything to be done or proposed to be done or any moneys to be paid under the provisions of this section the matter shall be referred to and determined by an engineer to be agreed on between the parties or (if they do not agree) to be appointed on the application of either of them by the Board of Trade and the arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

**11.** For the protection of the South West Suburban Water Company (in this section referred to as "the water company") the following provisions shall apply and have effect:—

For protection of South West Suburban Water Company.

- (A) Whenever the construction of the works by this Act authorised necessitates the removal deviation alteration or support of any pipe or main of the water company the work of removal deviation alteration or support so necessitated shall if they so desire be done by the water company or their authorised contractors under the superintendence of the water company or an engineer to be nominated by them at such time of the year as the water company may reasonably select but so as not to unduly delay the construction of the works by this Act authorised and the reasonable expenses of the water company in connection therewith shall be paid by the Company:
- (B) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the water company:
- (c) Any difference which may arise between the water company and the Company touching any of the matters referred to in this section shall be decided by a single arbitrator to be agreed on between the

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parties or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and the arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

For protection of London and South Western Railway Company.

**12.** For the protection of the London and South Western Railway Company (in this section called "the South Western Company") the following provisions shall (unless otherwise agreed between the South Western Company and the Company) apply and have effect:—

- (A) Before carrying out the works by this Act authorised under the bridge belonging to the South Western Company in High Street Staines the Company shall deliver to the South Western Company for approval by their engineer plans drawings and specifications showing the manner in which the works are intended to be carried out and the materials to be used and in the event of his failing to approve such plans for twenty-one days after the delivery thereof the same shall be referred to arbitration as provided in subsection (g) hereof and the works shall be executed by the Company at their sole expense and under the superintendence and to the reasonable satisfaction of the engineer of the South Western Company:
- (B) The Company shall not in any way alter or interfere with the structure of the said bridge nor affix any bracket or wire upon the said bridge without the consent in writing of the South Western Company under the hand of their secretary which consent shall not be unreasonably withheld:
- (C) In the event of the South Western Company requiring for the purposes of repair renewal or widening of the said bridge to erect scaffolding against or around the abutments or piers or under the superstructure of such bridge they shall be at liberty to do so in such manner as shall not interfere with the working of the tramway of the Company after having given fourteen days' notice thereof in writing to the Company and if necessary the Company shall at their own expense during the period required for the execution and completion of such repair, renewal or

widening divert the line of tramway or wires or make such other arrangements as may be reasonably required by the South Western Company for the purposes of such repair renewal or widening :

(D) The Company shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence by them of the execution of the said works and repairs thereof and all reasonable costs of watching lighting and protection of the railway of the South Western Company with reference to and during such execution and repairs but such superintendence by the South Western Company shall not relieve the Company from liability for any accident which may be occasioned by or through the operations of the Company or of their contractors agents or workmen :

(E) The Company shall indemnify the South Western Company against all claims and compensate them for any damage or injury occasioned to the property or works of the South Western Company or to any persons using their railway in consequence of or arising from the execution of the said works and the appointment by the South Western Company of any inspector or the superintendence of the said works by the South Western Company shall not relieve the Company from any liability in connection therewith :

(F) Any additional expense of the maintenance of the structure of the said bridge arising from the execution or maintenance of the works by this Act authorised and the costs of any underpinning or other works rendered necessary owing to such works to secure the safety and stability of the said bridge shall be borne and paid by the Company as also any reasonable costs of the alterations in the positions of or the cabling of the telegraph and telephone wires of the South Western Company including any guard wires rendered necessary by the construction of the said works ;

(G) Any difference which may arise between the South Western Company and the Company touching any of the matters referred to in this section shall be

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decided by a single arbitrator to be agreed on between the parties or failing agreement to be appointed on the application of either party by the Board of Trade and the arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

For protection of county council of Middlesex.

**13.** For the protection of the county council of Middlesex (in this section called "the county council") the following provisions shall (unless otherwise agreed between the Company and the county council) and notwithstanding anything contained in this Act or shown on the deposited plans and sections have effect (that is to say):—

- (1) Concurrently with the construction of the tramway the Company shall widen the public road whereon the same is laid to a width of fifty feet with a carriage-way of at least thirty-two feet six inches in width between kerbs and shall in like manner widen such bridges as the tramway crosses to a width of fifty feet between the parapets and shall provide a clear carriage-way between kerbs of not less than thirty-two feet six inches in width but nothing in this sub-section shall affect the provisions of the section of this Act of which the marginal note is "Certain parts of tramway not to be made until streets or carriage-ways widened" or shall impose upon the Company any obligation to widen the road under the bridge carrying the London and South Western Railway over High Street Staines:

The provisions of sub-sections (2) to (7) of this section shall apply only to that part of the tramway and of the road and bridges on which it is to be laid which is situate in the rural district of Staines:

- (2) In carrying out the said work of widening the said road and bridges the Company shall—

- (A) Provide proper surface drainage of the gradients of the tramway with sufficient drainage outlets;

- (B) Provide a proper new surface drainage sewer with all necessary and proper gulleys and outlets thereto wherever the road is widened or affected by the widenings;

(c) Provide and fix a twelve inch by eight inch granite kerbing laid on concrete on both sides of the road whereon the tramway is laid with all necessary and proper quadrant corners throughout the whole length thereof; A.D. 1904.

(d) Pave the tramway area in front of all places of public worship public schools and public buildings along the route of the said tramway and for a distance of fifty feet on each side thereof with wood blocks :

- (3) On receiving not less than six months' notice in writing from the county council that they intend to pave the portion of the roadway not repairable by the Company with wood blocks the Company shall concurrently with the carrying out of such paving by the county council pave with similar wood blocks the portion of the roadway repairable by them under section 28 of the Tramways Act 1870 Provided that unless the county council lay down such wood blocks before or concurrently with the construction of the tramway the Company shall not be required within a period of five years after the completion of the tramway to lay wood blocks on any part of the tramway where they have laid down granite setts :
- (4) The Company shall if so required by the county council provide an incandescent cluster lamp to be served from the trolley wire at places where the road on which the tramway is laid is crossed or joined by any other public road or passes under any bridge and the Company shall at their own cost keep every such lamp lighted at all times between one hour after sunset and one hour before sunrise at which the cars are running :
- (5) The levels of the roads whereon the tramway is laid shall not (except where an alteration is shown on the deposited sections) be altered unless with the written consent of the county council under the hand of their clerk which consent shall not be unreasonably withheld :
- (6) The Company shall not under the powers of this Act widen or interfere with the fabric of the bridges

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known as Baber Bridge and Crooked Billet Bridge unless and until they shall have delivered to the county surveyor of Middlesex plans drawings and specifications of the intended works nor until the said plans drawings and specifications shall have been reasonably approved of in writing by the said surveyor Provided that if the said surveyor do not within fourteen days after delivery of the said plans drawings and specifications give to the Company notice of his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved of the same :

- (7) The Company in the execution of any such works as aforesaid shall not cause any interruption of the passage or conduct of the traffic over the said bridges respectively or the approaches to or roads over the same or over or along any main or contributory roads further or otherwise than to the extent of stopping the traffic over one-half of the width of the roadway Provided that in any event the Company shall always maintain open during the execution of their works a clear passage way for a single line of vehicular traffic and a separate single line of pedestrian traffic :
- (8) If at any time before the Company commence under the powers of this Act to construct the tramway over any county bridge or the approaches thereto being a main road the said surveyor shall consider that the proposed works of the Company will make it necessary for the security of such bridge to reconstruct or strengthen the fabric thereof the county council may execute any such works as may be necessary for so reconstructing or strengthening the fabric of such bridge and if the arbitrator hereinafter referred to shall determine that any portion of the costs and expenses to which the county council may be put in so reconstructing or strengthening the fabric of such bridge ought in his discretion to be paid by the Company then that portion thereof shall be a debt due from the Company to the county council :

(9) In the construction of any works authorised by this Act over or across any stream or watercourse which is subject to the provisions of the Middlesex County Council Act 1898 the Company shall not impede the flow of the water in such stream or watercourse and shall carry out the works over or across the same to the reasonable satisfaction of the county council: A.D. 1904.

(10) All differences that may arise between the county council and the Company under this section shall be referred to an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party by the Board of Trade and any such arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

**14.** For the protection of the Bedfont Parish Council the following provisions shall have effect unless otherwise agreed between the said council and the Company (that is to say):— For protection of Bedfont Parish Council.

(1) The Company when widening under the powers of this Act the road which adjoins the village green in the parish of East Bedfont-with-Hatton shall fill up the three ponds on the said green to the reasonable satisfaction of the said council:

(2) The Company shall pave with wood blocks so much of the road in the said parish as the Company are liable to repair under section 28 of the Tramways Act 1870 and as lies between the commencement of the tramway and a point opposite Bennett's Farm House distant 1 mile 7 furlongs and 3 chains from the commencement of the tramway as shown on the deposited plans:

(3) Any difference which may arise between the Company and the said council under this section shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the Board of Trade and any such arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

**15.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement Power to owners to grant easements &c.

A.D. 1904. right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain properties.

**16.** And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrator or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other



questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without

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material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Period for compulsory purchase of lands.

**17.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Costs of arbitration &c. in certain cases.

**18.** The court or person to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if they or he shall be of opinion that no such statement giving sufficient particulars shall have been delivered one half of the costs of the arbitration or as the case may be one half of the costs of the proceedings before the sheriff (including the costs of summoning empanelling and returning the jury and of taking the inquiry and in recording the verdict and judgment therein) shall be defrayed by the person with whom the Company shall have such question and the remaining half shall be defrayed by the Company anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding :

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim

[4 EDW. 7.] *London United Tramways Act, 1904.* [Ch. cxcviii.]

delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case :

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Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

**19.** In settling any question of disputed purchase money or compensation under this Act the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirtieth day of November one thousand nine hundred and three if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently altered buildings.

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

Period for completion of tramway.

**21.** If the Company fail within the period limited by this Act to complete the tramway and open the same for public traffic the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the tramway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the tramway and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty

Penalty imposed unless tramway opened within limited time.

A.D. 1904.

provided in the third section of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the tramway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application  
of penalty.

**22.** Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramway or any portion thereof in respect of the non-completion of which the same was recovered and also in compensating all road authorities for the expense incurred by them in taking up the tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of the tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramway or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as

[4 Edw. 7.] *London United Tramways Act, 1904.* [Ch. cxcviii.]

part of the assets of the Company for the benefit of the A.D. 1904.  
creditors thereof and subject to such application shall be  
repaid or re-transferred to the Company.

**23.** The sections herein-after referred to of the Act of 1898 and the Act of 1899 and the Act of 1901 respectively are hereby incorporated with this Act and shall extend and apply to the tramway and to the Company in respect thereof as fully and effectually as if those sections had been re-enacted in this Act with reference thereto (that is to say):—

Incorporat-  
ing provi-  
sions of Acts  
of 1898 1899  
and 1901.

Act of 1898—

- Section 23 Gauge and mode of formation of tramways;
- Section 24 Inspection by Board of Trade;
- Section 25 As to rails of tramways;
- Section 26 Further provisions as to construction of tramways;
- Section 27 Penalty for not maintaining rails and roads in proper order;
- Section 28 Tramways to be kept on level of surface of roads;
- Section 29 Application of road materials excavated in construction of tramways;
- Section 30 Power to make additional crossings &c.;
- Section 31 Temporary tramways may be made when necessary;
- Section 32 Local authority to have access to sewers;
- Section 38 Provisions as to motive power;
- Section 40 Byelaws;
- Section 41 Recovery of penalties;
- Section 42 Amendment of Tramways Act 1870 as to byelaws by local authority;
- Section 43 Orders &c. of Board of Trade;
- Section 47 Tolls on tramways;
- Section 48 Agreements with local and road authorities;
- Section 50 Provisions as to arbitration:

Act of 1899—

- Section 12 Special provisions as to use of electrical power:

A.D. 1904.

Act of 1901—

Section 24 As to powers of Board of Trade in respect of use of mechanical power ;

Section 25 For protection of Postmaster-General ;

Section 27 Power to erect posts &c. ;

Section 28 Alteration of tramways ;

Section 29 Cheap fares for labouring classes ;

Section 30 As to fares on Sundays and holidays :

And in construing the said sections for the purposes of this Act the expressions "the tramways" and "the Middlesex Tramways" shall mean the tramway by this Act authorised and the expression "local authority" in section 32 of the Act of 1898 shall include a rural district council.

Power to use existing and authorised generating stations.

**24.** For the purposes of this Act and of supplying electrical power for working the tramway the Company may use any generating station of the Company for the time being existing or authorised and may supply electrical power therefrom. But nothing in this Act shall authorise the Company to erect or construct any station for generating electrical power.

Provisions to be observed in executing street works.

**25.—(1)** The Company shall deliver plans drawn to a scale of not less than forty-four feet to an inch together with drawings and specifications of the works comprised in or connected with any street road or bridge widenings and improvements to be executed under the provisions of this Act to the surveyor of the council of the borough or district in which such works are respectively situate and as regards any such works which are situate in the rural district of Staines as it now exists to the county surveyor of Middlesex and such works shall not be proceeded with until such plans drawings and specifications have been approved by the said surveyor in writing under his hand but such approval shall not be unreasonably withheld and notice of his approval or of his disapproval and the grounds thereof shall be given to the Company within a reasonable time not exceeding twenty-one days after receipt of such plans drawings and specifications or within seven days after the receipt of any amended plans drawings or specifications and in default of notice within the time aforesaid the same shall be deemed to have been approved by him.

(2) The Company shall carry out and complete all the said works according to the plans drawings and specifications approved by the said surveyor in manner aforesaid or settled by arbitration as herein-after provided and under his superintendence and to his reasonable satisfaction.

(3) If in the execution of the street widenings and works by this Act authorised any manhole surface or foul water sewer pipe or ditch is interfered with which in the opinion of the said surveyor it would be dangerous or inconvenient to retain in the same position the Company shall at their own expense take up such manhole surface or foul water sewer or pipe and relay or replace the same or substitute other sufficient means of drainage to the reasonable satisfaction of the said surveyor in some other part of the road.

(4) The Company shall pave to the reasonable satisfaction of the said surveyor the new portions of any roads or footpaths made widened or interfered with under the powers of this Act with similar materials to those with which the existing or adjoining portions of the roads or footpaths so widened or interfered with are paved.

(5) The widenings of streets and roads by this Act authorised shall be maintained in repair by and at the cost of the Company for six months after their respective completion and from and after the expiration of such respective periods the widenings shall vest in and be maintained in repair as public highways subject as aforesaid by and at the expense of the authority or persons by whom or at whose expense the adjacent roads or streets or portions of roads or streets are repairable.

(6) If any dispute or difference shall arise between the said surveyor and the Company concerning any matter or thing in this section contained or referred to or as to the reasonableness of any requirements of the said surveyor then and in every such case the dispute or difference shall be referred to an arbitrator to be agreed on between the parties or failing agreement to be appointed by the Board of Trade on the application of either party and the arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

26. The Company on the one hand and any of the local authorities in or through whose districts the tramway will be

Agreements  
with local  
authorities

A.D. 1904.  
as to street  
improve-  
ments.

laid on the other hand may enter into and carry into effect agreements with respect to the widening and improvement of roads along which the tramway will be laid and the acquisition of land for or in connection therewith and any such agreement may provide either for the acquisition of the land and the execution of the works by the Company and for contributions to the expenses thereof by the local authority or on the other hand for the acquisition of the land and the execution of the works by the local authority and for the Company defraying or contributing to the expenses thereof Any expenses incurred by a local authority for the purposes of any agreement under this section shall be deemed to be and shall be defrayed in the same manner as expenses of a local authority under the Public Health Act 1875 :

Provided always that any agreement entered into under this section shall not impose any new liability or obligation upon or increase any existing liability or obligation of the county council of Middlesex in any manner whatsoever without their consent.

As to  
purchase  
by local  
authority.

**27.** Section 43 of the Tramways Act 1870 shall not apply to the tramway and in lieu thereof the following provisions shall have effect with regard to the tramway (that is to say) :—

The local authorities in whose districts the tramway is situate may if each local authority respectively by resolution passed in manner prescribed by section 43 of the Tramways Act 1870 so decide within six months after the expiration of a period of twenty-five years from the passing of this Act or within six months after the expiration of every subsequent period of seven years by notice in writing require the Company to sell and thereupon the Company shall sell to them the portion of their undertaking in respect of the tramway upon terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference to be borne and paid as the referee directs :

Provided that any such notice shall not be valid or effectual unless within six months after service thereof



on the Company or such further period as may be allowed by the Board of Trade a contract for sale containing provisions for vesting in each local authority so much of the said portion of the undertaking as is situate in their district and a scheme or schemes for the future maintenance management and working of the tramway shall have been approved by the Board of Trade :

A.D. 1904.

The local authorities may pay the purchase-money and all expenses incurred by them under the authority of this section out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect a Provisional Order obtained by them under the Tramways Act 1870.

**28.** The tramway shall in all respects be subject to the provisions of the Middlesex County Council Tramways Act 1902 but nothing in that Act or in this Act contained shall confer upon the county council of Middlesex any rights or powers of purchasing the tramway other than those which may be exercised by a local authority under this Act.

As to purchase by county council.

**29.** The powers granted by the Act of 1898 for the construction of the Tramway No. 7 thereby authorised as extended by the Act of 1901 are hereby further extended and may be exercised by the Company for the period of two years from the twelfth day of August one thousand nine hundred and four and section 35 of the Act of 1898 shall be read and construed as if the period limited by this Act for the completion of the said tramway had been the period limited by the Act of 1898 for the completion thereof.

Extension of time for construction of Tramway No. 7 of Act of 1898.

If the said tramway be not completed within the said period of two years then on the expiration of that period the powers for making and completing the same or otherwise relating thereto shall cease except as to so much thereof as shall then be completed.

**30.** The powers granted by the Act of 1900 for the construction of the Tramways Nos. 2 2A and 3 thereby authorised are hereby extended and may be exercised by the Company for the period of two years from the sixth day of August one thousand nine hundred and four and section 25 of the Act of 1900 shall be read and construed as if the period limited by

Extension of time for construction of tramways under Act of 1900.

A.D. 1904. — this Act for the completion of the said tramways had been the period limited by the Act of 1900 for the completion thereof.

If the said tramways be not completed within the said period of two years then on the expiration of that period the powers for making and completing the same or otherwise relating thereto shall cease except as to so much thereof as shall then be completed.

Extension of time for construction of tramways under Act of 1901.

**31.** The powers granted by the Act of 1901 for the construction of the tramways thereby authorised (other than the portion thereof situate in the urban district of the Maldens and Coombe) are hereby extended and may be exercised by the Company as regards the tramways in the borough of Kingston-upon-Thames and the tramways and portions of tramway connecting the same with the authorised tramways of the Company at Hampton Wick and with Surbiton Station respectively for the period of two years from the seventeenth day of February one thousand nine hundred and five and as regards the other tramways authorised by the Act of 1901 for the period of two years from the seventeenth day of August one thousand nine hundred and five and section 21 of the Act of 1901 shall be read and construed as if the periods limited by this Act for the completion of the said tramways respectively had been the periods limited by the Act of 1901 for the completion thereof.

If the said tramways be not completed within the said periods then on the expiration of those periods respectively the powers for making and completing the same or otherwise relating thereto shall cease except as to so much thereof respectively as shall then be completed.

For protection of corporation of Kingston-upon-Thames.

**32.** Notwithstanding anything contained in this Act or in subsection (9) of section 35 (For protection of corporation of Kingston-upon-Thames) of the Act of 1901 the payments to be made by the Company to the mayor aldermen and burgesses of the borough of Kingston-upon-Thames under that subsection shall be deemed to be payable as from the seventeenth day of February one thousand nine hundred and five as if the tramways referred to in that section had been opened for public traffic on that day.

Extension of time for purchase of lands under Act of 1899.

**33.** The powers granted by the Act of 1899 for the compulsory purchase of lands for the purposes of the widenings by that Act authorised as revived and extended by the Act of

[4 EDW. 7.] *London United Tramways Act, 1904.* [Ch. cxcviii.]

1902 are hereby further extended and may be exercised by the Company during a period of two years from the passing of this Act and on the expiration of that period those powers shall cease.

A.D. 1904.

**34.** The powers granted by the Act of 1901 for the compulsory purchase of the lands by that Act authorised to be acquired are hereby extended and may be exercised by the Company during a period of two years from the passing of this Act and on the expiration of that period those powers shall cease.

Extension of time for purchase of lands under Act of 1901.

**35.** The Company on the one hand and any railway company having stations on or near to any of the Company's tramways or railways or any company body or person owning or working any tramways or railways in the counties of London Middlesex Surrey and Bucks on the other hand may enter into and carry into effect agreements for and with respect to through booking and the issue of through tickets and the fixing of through fares tolls and charges to be demanded and recovered in respect of traffic coming from or destined for or passing over the respective tramways railways and works of the contracting companies and the division and apportionment of the receipts arising from such traffic.

Agreements as to through booking &c.

**36.** The Company shall deliver to the registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

Copy of Act to be registered.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

**37.** Nothing in the Tramways Act 1870 or in the London United Tramways Acts 1873 to 1904 contained shall prevent the Company borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the

Saving as to powers of borrowing on mortgage.

A.D. 1904. Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 43 of the Tramways Act 1870 and that any mortgage granted by the Company shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 43 of the Tramways Act 1870 and that every mortgage deed granted by the Company shall be endorsed with notice to that effect.

For protection of bridges over Longford River.

**38.**—(1) Nothing contained in this Act shall authorise the Company to enter upon use or interfere with the bridges over the Longford River known as the White Bridge Whittingham Bridge and Hanworth Bridge respectively or any or either of them or the approaches thereto so far as such approaches belong to or are under the management or control of the Commissioners of Works or the bed or banks or stream of or the waste channels sluices or other works belonging to the said river without the consent in writing of the Commissioners of Works on behalf of His Majesty for that purpose first had and obtained which consent and such other consents or approvals of such commissioners as are mentioned in this Act such commissioners can and are hereby authorised to give upon such terms and subject to such conditions as they may think fit to prescribe.

(2) All works which the Company shall carry out at any time under the powers of this Act and which may in any way affect the said bridges or any or either of them or the approaches thereto or the bed or banks or stream of or the waste channels sluices or other works belonging to the said river shall be executed in accordance with the requirements of the Commissioners of Works and to their satisfaction in every respect and the Company shall not be at liberty to commence or to resume their traffic unless and until this condition shall have been complied with.

(3) The Commissioners of Works shall not at any time be liable for any loss or inconvenience entailed upon the Company in consequence of their tramway lines or any of them being temporarily disturbed or the passage of their tramcars over the said bridges or any or either of them being interrupted for the purpose of enabling such commissioners to

undertake any works of repair or reconstruction or strengthening which may in the opinion of such commissioners be necessary to be done to the said bridges or any or either of them or to the roads over the said bridges or any or either of them and any arrangements made or entered into by the Company for carrying on their traffic during such works shall be subject to the approval in writing of such commissioners as aforesaid on behalf of His Majesty for that purpose first had and obtained and all expenses of or incidental to such arrangements shall be borne by the Company.

(4) In the event of any such works of repair or reconstruction or strengthening as aforesaid being undertaken by the said commissioners the lines or other works of the Company shall be removed by the Company if and in such manner as the said commissioners shall require during such time as the said works of repair or reconstruction or strengthening shall be in progress and all the expenses of such removal of the Company's lines and of the other works or things connected with their tramways and of the reinstatement of the same shall be borne by the Company.

(5) If and whenever the Company shall under the powers of this Act break up or interfere with the roads over the said bridges or any or either of them or the approaches thereto they shall at their own expense reinstate and make good to the satisfaction of the said commissioners the portions of the said roads and approaches so broken up or interfered with and the Company shall bear the expense of all works of alteration or strengthening or reconstruction which may be or become necessary to the said bridges or any or either of them or any part or parts thereof in consequence of the said bridges or any or either of them being used for the tramways of the Company.

**39.** The Company shall not except with the approval of the Commissioners of Works erect any station for generating electricity or take a supply of energy for traction purposes from any generating station situate within a distance of nine hundred yards from any part of the following places viz. Hampton Court Palace and grounds Hampton Court Park Bushey Park Kew Gardens and Kew Palace Grounds Richmond Park and Old Deer Park unless the site for such generating station is specified in an Act of Parliament or in an Order confirmed by or having the effect of an Act of

For protection of Commissioners of Works.

A.D. 1904. Parliament Provided always that this section shall not apply to any sub-station for the transformation and distribution of electrical power Provided also that this section shall not apply to any station which may be in existence and which shall not be extended beyond the limits of the site occupied by the buildings of such station at the time of the passing of this Act.

Saving  
rights of  
Crown.

**40.** 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 King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent such commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Provision as  
to general  
Tramway  
Acts.

**41.** Nothing in this Act contained shall exempt the Company or the tramway from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Costs of Act.

**42.** 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.

The SCHEDULE referred to in the foregoing Act.

A.D. 1904.

PROPERTIES OF WHICH PARTS ONLY ARE REQUIRED TO BE TAKEN.

Borough District or Parish.	Number on deposited Plans.
East Bedford-with-Hatton	12 13 18 19 23 27 28 29 35 37 38 39 40 41 42 43 44 45 46.
Stanwell	36.
Staines	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 18 22 25 26 27 28 30 31 32 33 34 35 36 37 38 39 40 41 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 67 69 70 71 72 73 74 75 76 78 79 85.
Twickenham	1 2 3 4 5 6 7 8 9 10 11 12 13 15 18 22.
Teddington	2 3 3A 3B 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 26 27 28 29 32 33 34 35 36 37 38 39 40 42 43 45 46 47 48 49 50 51.
Hampton	1A 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 31 32 33 34 35 36 37 38 39 42 43 44 45 46 47 50 51 52 53 54 55.
Hanworth	1A 4 5 6 7 8 11 14 15 16 17 18 20.
Sunbury	1.
Kingston	7 9 12 14.
Hammersmith	2 3 4 5.

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