



CHAPTER ccii.

An Act to empower the West Metropolitan Tramways Company to construct additional Tramways and for other purposes. A.D. 1889.
[26th August 1889.]

WHEREAS it is expedient that the West Metropolitan Tramways Company (in this Act called "the Company") should be empowered to construct the additional tramways in this Act described :

And whereas the capital of the Company consists of the sum of one hundred and seventy thousand pounds, divided into seventeen thousand shares of ten pounds each :

And whereas fourteen thousand and forty-three of such shares have been issued as ordinary shares, and upon such shares the whole amount thereof has been paid up, and the other two thousand nine hundred and fifty-seven shares have, under the provisions of the West Metropolitan Tramways Act, 1884 (in this Act called "the Act of 1884"), been issued as preference shares, with a preference dividend at the rate of five pounds per cent. per annum, and the whole amount of such shares has been paid up :

And whereas under the provisions of the Act of 1882 the Company have issued mortgages to the amount of thirty-two thousand five hundred pounds and have not exercised their borrowing powers under the Act of 1884 :

And whereas it is expedient that the nominal amount of the ordinary share capital of the Company already issued should be reduced, and that the Company should be authorised to raise additional capital for the purposes of their undertaking, and to issue a class of new preference shares as herein-after provided, and that power should be given to convert the preference shares already issued into shares forming part of such new class of preference shares, and also that power should be given to redeem the mortgages which have been issued by the Company as aforesaid :

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And whereas plans and sections of the proposed additional tramways, and of the proposed improvements or alterations of roads showing the lines and levels of the tramways and works, and books of reference to those plans, have been deposited with the clerk of the peace for the county of Middlesex, and are herein-after respectively referred to as “the deposited plans, sections, and books of reference”:

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, 1889.*

Incorporation of Acts.

2. The following Acts and parts of Acts, namely, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters (that is to say):—The distribution of the capital of the Company into shares The transfer or transmission of shares The payment of subscriptions, and the means of enforcing the payment of calls The forfeiture of shares for the non-payment of calls The remedies of creditors of the Company against the shareholders The consolidation of the shares into stock The general meetings of the Company, and the exercise of the right of voting by the shareholders The making of dividends The giving of notices, and The provision to be made for affording access to the special Act by all parties interested, and Parts I. and II. (relating to cancellation and surrender of shares, and relating to additional capital) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, as amended by the Lands Clauses (Umpire) Act, 1883 (herein-after referred to as “the Lands Clauses Acts”), section 3 (interpretation of terms), section 19 (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 expressions “the tramways” and “the undertaking” (except where any particular tramways authorised by this Act, or by

any other Act, or by any provisional order, or any of them (which are expressly mentioned) respectively mean and include the tramways, and works, and the undertaking of the Company authorised by this Act, or any previous Act or order, now in force or any part thereof respectively. A.D. 1889.

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.

4. 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, 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, districts, or extra-parochial places of Hammersmith, otherwise St. Peter and St. Paul, Hammersmith, Chiswick, Acton, and Ealing in the county of Middlesex, and are—

Power to
make
tramways
according to
deposited
plans.

A Tramway No. 15.—One furlong 7·2 chains in length, wholly double line, commencing and terminating in the parish of Chiswick by junctions with the Company's existing tramways in High Road, Chiswick, between points respectively 1·25 chain west of the entrance to the tramway depôt, and opposite the western side of Brackley Road.

A Tramway No. 16.—One furlong 6·2 chains in length, wholly double line, commencing and terminating by junctions with the Company's existing tramways in High Road, Chiswick, between points respectively 0·60 chain east of the eastern side of Turnham Green Terrace, and opposite the western side of Fisher's Lane.

A Tramway No. 17.—One furlong 5·4 chains in length, wholly double line, commencing and terminating by junctions with the Company's existing tramways in High Road, Chiswick, between points respectively opposite the eastern side of Holly Road, and 1·60 chain east of the fountain at the side of the road leading to Christ Church, Turnham Green.

A Tramway No. 18.—One furlong 5·5 chains in length, wholly double line, commencing and terminating by junctions with the Company's existing tramways in High Road, Chiswick, 0·30 chain west of the fountain at the side of the road leading to Christ Church, Turnham Green, and 0·52 chain west of Chiswick Road.

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A Tramway No. 19.—One furlong 5·5 chains in length, wholly double line, commencing and terminating by junctions with the Company's existing tramways in High Road, Chiswick, at points respectively 3·40 chains east of Marlborough Road, and 2·94 chains east of the entrance to the "John Bull" public-house.

A Tramway No. 20.—One furlong 7·4 chains in length, wholly double line, commencing and terminating by junctions with the Company's existing tramways in High Road, Chiswick, at points respectively 1·30 chain east of the "John Bull" public-house, and 1·38 chain west of the western side of Cambridge Road.

A Tramway No. 21.—One furlong 5·1 chains in length, wholly double line, commencing and terminating by junctions with the Company's existing tramways in High Road, Chiswick, at points respectively 1·14 chains east of the eastern side of Clarence Road, and 3·66 chains west of the sixth London mile post.

A Tramway No. 22.—Two miles 0·5 chain in length, wholly double line, commencing in Uxbridge Road in the parish of Hammersmith, by a junction with the Company's existing tramways at a point opposite the intersection of Richmond Gardens, thence passing westward along Uxbridge Road, the Vale Grove, and terminating in the Uxbridge Road by a junction with the Company's existing tramways at the intersection of Birkbeck Road t^herewith.

Part of tramway not to be laid until roadway widened.

5. No part of Tramway No. 22 within the administrative county of London shall be laid down until the roadway along which it will be laid shall have been widened to the satisfaction of the London County Council, and at least to such an extent as will admit of a space of not less than nine feet and six inches being maintained between the outside of the footpath on both sides of the road and the nearest rail of the tramway, and no part of any such tramway shall be so laid that a less space than nine feet and six inches shall intervene between the outside of the footpath and the nearest rail of the tramway.

Correction of errors in deposited plans and book of reference.

6. If there be any omission, mis-statement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands shown on the deposited plans or specified in the deposited 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 of Middlesex for the correction thereof, and if it appear to the justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in their certificate state

the particulars of the omission, and in what respect any such matter is mis-stated or wrongly described, and such certificate shall be deposited with the clerk of the peace for the county of Middlesex, and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the lands affected thereby are situate, and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively, with the other documents to which the same relate, and thereupon the deposited 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.

7. Subject to the provisions of this Act the tramways and works hereby authorised shall be completed within two 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 respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of works.

8. 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, let, 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. Nothing in this Act shall exonerate the Company from any action, indictment, or other proceeding for nuisance, in the event of any nuisance being caused by them upon any land purchased, taken upon lease, or otherwise acquired under the powers of this section.

Power to purchase lands.

9. The Company may erect on any lands they may acquire under the powers of this Act, or they may take on lease any offices, stables, sheds, workshops, or other buildings, yards, works, and conveniences for the purposes of their undertaking, and may at any time sell, let, and dispose of the same, or any part thereof.

Company may erect or lease offices, stabling, &c.

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

Company may acquire easements, &c., by agreement.

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Extending
to this Act
certain
sections of
the Act of
1882.

11. The following sections of the Act of 1882, viz., sections 24 to 26, both inclusive, sections 28 to 40, both inclusive (the London County Council being substituted in each case for the Metropolitan Board of Works), and sections 71 to 76, both inclusive, shall extend and apply to the tramways by this Act authorised, and the traffic thereof, and to the Company, as fully and effectually as if the same had been repeated in this Act, and expressly re-enacted in this Act with reference to the tramways by this Act authorised.

Local or
sewer autho-
rity to have
access to
sewers.

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

Traffic to be
suspended
during
works of
drainage.

13. If, and whenever in the opinion of the London County Council, 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 council 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 council, so as not to interfere with any such work, and shall have no claim for compensation against the said council.

Saving
rights of
London
County
Council to
stop up
streets.

14. 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 of the London County Council, under the Metropolis Management Act, 1855, or any other Act as to stopping for public traffic, any road or street under the jurisdiction of the said council, or for the purpose of constructing, repairing, and maintaining the sewers along or under any such road or street.

As to
altering and
widening
part of
street in
which tram-
way laid if
required.

15. If and whenever the London County Council shall require to alter or widen any part of a street in which any tramway of the Company is laid, the said council may, if they think fit (having given at least one month's previous notice in writing to the Company of their intention so to do), require the Company to remove or alter

any such tramway or portion of tramway to such position as the said council may require, and the Company shall with all reasonable despatch proceed to remove or alter such tramway or portion of tramway either temporarily or permanently accordingly, at their own expense, and without any claim for compensation against the said council in respect of such removal or alteration for any loss of traffic or otherwise consequent thereon: Provided always that in making any permanent alteration or removal under this section no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road.

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16. For the protection of the vestry of the parish of Hammersmith, in the county of Middlesex (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):—

For the protection of the vestry of the parish of Hammersmith.

(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:—

The rails of the tramways shall be grooved and not more than one inch wide in the groove, and shall be of Bessemer steel girder pattern, six inches deep with flange seven inches wide at base, weighing not less than eighty-eight pounds per lineal yard.

Every rail from end to end to be solidly bedded on concrete.

Fish-plates to be of Bessemer steel seventeen inches in length, three and three quarter inches wide by half an inch in thickness.

Tie-rods to be formed of two inches by half inch flat bar iron with screw end nuts and washers.

The bolts and nuts to be best rivet iron.

The points shall be of the best quality of crucible cast steel six inches deep with bolt holes drilled and not cored out.

The crossings shall be of steel constructed from the rails.

Wrought-iron or steel fish-plates, bed-plate, and angle-pieces with the necessary bolts, nuts, washers and rivets are to be provided and fixed suitable for each angle.

The concrete shall be composed of three parts of clean approved ballast, two parts of good sharp sand and one part of Portland cement mixed on a platform with the proper quantities of water and laid six inches thick.

The surface of the concrete shall be screeded with cement and sand (three to one) to the proper contour of the roadway so as to receive the rails and wood blocks evenly.

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The spaces intervening between the wood blocks and the web of the rails to be filled in with cement and sand mixed three to one.

The wood blocks, three inches wide, six inches deep, and from six to twelve inches in length, shall be laid on a layer of sand on the concrete, and jointed with pitch, mixed with creosote, oil, and fine shingle, and their top surface shall be level with the rails.

Plans, sections, and specifications of the tramway shall be submitted to and approved by the vestry before any of the works are commenced.

- (B) The portion of the roads upon which the tramways are to be laid shall for the width between the rails, and for the space between the two sets of rails, be paved by the Company with wood, as described in subsection A.
- (c) 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 vestry; 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 vestry 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 section 56 of the Tramways Act, 1870.
- (D) The levels at which the tramways are to be constructed shall be decided by the vestry, and any expense in the construction of the tramways over and above that which would have been incurred by the Company in following the levels shown on the deposited plans, and rendered necessary by such decision shall be borne by the Company.

If the vestry shall hereafter alter the level of the road, along or across which the tramways 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 thereof shall be on a level with the surface of the road as altered.

For the protection of the Chiswick Local Board.

17. For the protection of the Chiswick Local Board (hereinafter 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.D. 1889.

(A) The construction of the tramways in Chiswick shall be as follows :—Rails of Bessemer steel, ninety pounds per lineal yard, fixed by wrought-iron plates, and tie-rods nine feet apart. The lineal rails to be six inches wide at the base, and seven inches in depth, giving continuous support to the paving stones, or other suitable material laid on each side of the rail. 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 screeded macadam, free from dirt, and two measures of good sharp sand, and one measure of Portland cement. Girders, rails, plates, and tie-rods, points and crossings, 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, wood, or other suitable material, 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 cement.

(B) The Company may use, under the direction and to the satisfaction of the surveyor to the local board, 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 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 said 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 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 High Road, Chiswick, 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.

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(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 and paving of the tramways in the district over which the 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 they 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 may, if they think fit 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.

The Company shall give not less than three months notice to the local board of the commencement of the works within their district, and such notice shall contain plans and specifications showing the work proposed to be executed, and provided the local board within two months of receiving that notice require the Company to lay the tramways with wood paving, the Company shall in the construction of the works substitute wood paving blocks for the approved granite setts, described in subsection A: Provided always that the Company shall not be required to lay their tramways with wood pavement unless the local board undertake to pave the sides of the road on which the tramways in their district are authorised for the entire space between the footpaths, and the tramways with similar wood paving, and such work shall be done concurrently with the works of the tramways.

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

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For the protection of
the Acton
Local Board.

(A) Before commencing any of the works by this Act authorised within the district of the local board, the Company shall deposit at the London and South-western Bank, Fenchurch Street, in the joint names of the chairman and clerk for the time being of the Acton Local Board on behalf of the Acton Local Board, and of the chairman of the Company for the time being on behalf of the Company, the sum of five hundred pounds, which sum shall be held and applied as security for the due performance by the Company of the obligations by this enactment imposed upon them until the whole of the works by this Act authorised within the district of the local board shall have been completed to the satisfaction of the local board, or until the Company shall have been authorised by Act of Parliament to abandon the construction of such works.

(B) 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:—

The rails of the tramways shall be grooved, and not more than one inch wide in the groove, and shall be of Bessemer steel girder pattern, six inches deep, with flange seven inches wide at base, weighing not less than eighty-eight pounds per lineal yard.

Every rail from end to end to be solidly bedded on concrete.

Fish-plates to be of Bessemer steel seventeen inches in length, three and three quarter inches wide, by half inch in thickness.

Tie-rods to be formed of two inch by half inch flat bar iron, with screw ends nuts and washers.

The bolts and nuts to be best rivet iron.

The points shall be of the best quality of crucible cast steel six inches deep with bolt holes drilled and not cored out.

The crossings shall be of steel constructed from the rails.

Wrought-iron or steel fish-plates, bed-plate, and angle-pieces, with the necessary bolts, nuts, washers, and rivets are to be provided and fixed suitable for each angle.

The concrete shall be composed of three parts of clean approved ballast, two parts of good sharp sand, and one part of Portland cement, mixed on a platform with the proper quantities of water, and laid six inches thick. The surface of the concrete

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shall be screeded with cement and sand (three to one) to the proper contour of the roadway so as to receive the rails and granite setts evenly.

The spaces intervening between the granite setts and the web of the rails to be filled in with cement and sand three to one. The surplus material whether excavated or removed shall be the property of the local board, and shall be carted away to a shoot as shall be named by the surveyor of the board.

Detailed plans, sections, and specifications of the tramway shall be submitted to and approved by the board before any of the works are commenced the works to be executed within the district of the Acton Local Board shall be completed within nine months after their commencement subject to such extension of time if any as the board may agree to.

- (c) The portion of the roads upon which the tramways are to be laid shall for the width between the rails and for the space between the two sets of rails and for a width of eighteen inches outside of them 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 concrete six inches thick, formed as described in subsection B.
- (d) If after the commencement of the works within the district of the board by this Act authorised the Company shall do or omit to do any act in breach of the foregoing provisions of this section, the Company shall for every such act or omission (and in addition to any other remedy which the board may have as against the Company) be liable to a penalty not exceeding five pounds for every day on which such act or omission shall occur or continue, and further, the board may if they shall think fit, at any time after such act or omission, and after three days notice to the Company, restore such portions of the roadway as may have been broken up or interfered with by the Company to their former state and condition, and may remove all plant, rails, and other materials of the Company from such portions of the roadway as aforesaid, and any expense, incurred by the board in so doing shall be repaid to them by the Company, and such penalty and any such expense as last aforesaid may be recovered by the board in manner provided by section 56 of the Tramways Act, 1870.
- (e) In addition to any other provisions of this Act, and of the Tramways Act, 1870, the Company shall maintain and keep the tramways in good condition and repair to the satisfaction of the board, with such materials and in such manner as the

board shall direct, and to their satisfaction, 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 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 section 56 of the Tramways Act, 1870.

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(F) The levels at which the tramways are to be constructed shall be decided by the board, and any expense in the construction of the tramways over and above that which would have been incurred by the Company in following the levels shown on the deposited plans, and rendered necessary by such decision, shall be borne by the Company.

If the board shall hereafter alter the level of the road along or across which the tramways 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 thereof shall be on a level with the surface of the road as altered.

19. 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) :—

For the protection of the Brentford Local Board.

(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

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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 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 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 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.

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

Carrying of
mails by
Company.

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

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

(ii.) If the carriage is conveying or intended to convey parcels only, then in excess of such maximum weight as is for the time being fixed for ordinary parcels, or if that maximum appears to the Postmaster General to be so low as to exclude him from availing himself of the use of any such carriage, then as is for the time being fixed by agreement, or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

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

A.D. 1889.

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

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

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

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

36 & 37 Vict.
c. 48.
45 & 46 Viet
c. 74.

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

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

Penalty
imposed
unless the
line is
opened
within the
time limited.

21. If the Company fail within the period limited by this Act to complete the tramways, 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 tramways are completed and opened for public traffic, or until the sum received in respect of such penalty amounts to five per cent. on the estimated costs of the works, and the said penalty may be applied for by any road authority, landowner, or other person

claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor to Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 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 of Judicature in England, in the bank specified in such warrant or order, and shall not be paid thereout (except as hereinafter 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 such line by unforeseen accident or circumstances beyond their control, provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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 tramways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as the High Court of Justice in England may deem fit, and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom or, in the discretion of the court, if the

Application
of penalty.

A.D. 1889. — 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.

Limit of time for purchase by London County Council.

23. The power of purchasing the tramways of the Company (so far as they are situate within the administrative county of London) by the London County Council, under the 43rd section of the Tramways Act, 1870, shall, notwithstanding anything contained in the said Act or in any provisional order, or Act relating to the Company, be exercisable as regards all the tramways of the Company, at the expiration of the period of fourteen years, from the date of the passing of this Act, or within six months thereafter and within six months after the expiration of every subsequent period of seven years, and the said section 43 as incorporated with the several provisional orders and Acts relating to the Company shall be read and have effect accordingly.

Restriction on taking houses of labouring class.

24. The Company shall not purchase, take on lease, or acquire, without the consent of the Secretary of State for the Home Department, twenty or more houses in any parish in the metropolis, as defined by the Metropolis Management Act, 1855, nor without the consent of the Local Government Board, to purchase or acquire in any urban sanitary district, or any parish, or part of a parish, not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been, or on the 15th day of December last were occupied, either wholly or partially, by persons belonging to the labouring classes as tenants or lodgers.

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

Reduction of ordinary shares already issued.

25. Upon the passing of this Act the nominal amount of the ordinary share capital of the Company shall be reduced from the sum of one hundred and forty thousand four hundred and thirty pounds, divided into fourteen thousand and forty-three shares of ten pounds each to the sum of fifty-six thousand one hundred and seventy-two pounds stock, and the holders of the ordinary shares issued at the time of the passing of this Act shall be entitled by way of sub-

stitution to four pounds of ordinary stock in respect of every ten pound ordinary share held by them.

A.D. 1889.

26. The Company may for the purposes of this Act, and for the general purposes of their undertaking, being in every case purposes to which capital is properly applicable from time to time, subject to the provisions of Part II. of the Companies Clauses Act 1863, raise, in addition to the sums of money which they are already authorised to raise, any additional capital not exceeding in the whole one hundred thousand pounds, of which not more than sixty thousand pounds shall be preference capital and may be issued by new preference shares of ten pounds each, whereof twenty-nine thousand five hundred and seventy pounds shall be reserved against the right of the holders of the preference shares issued at the time of the passing of this Act, herein-after called "the old preference shares," to convert under the provisions of this Act, and the balance of such additional capital shall be ordinary capital, and shall be issued by ordinary shares of £10 each.

Company may raise additional capital.

27. (1) The holders of the new preference shares shall be entitled to a preferential dividend of six per cent. per annum on the amount for the time being paid up on the new preference shares held by them respectively.

Rights of preference holders.

(2) Subject to the rights of any of the holders of the old preference shares the holders of the new preference shares shall, in the event of the Company being wound up, be entitled to have the surplus assets of the Company applied in the first instance to repaying to them the amount paid on the new preference shares held by them respectively, before any repayment is made in respect of the ordinary shares and stock.

28. 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 vest until fifth part paid up.

29. The holders of any shares, whether preference or ordinary, to be issued under the authority of this Act shall be entitled to one vote in respect of each share.

As to votes of holders of such shares.

30. With respect to the stock representing the original ordinary shares reduced in amount by this Act the scale of voting shall be one vote for every twelve pounds of stock.

As to votes of holders of reduced ordinary shares.

A.D. 1889.

Power to
convert
existing
preference
shares.

31. The holders of the old preference shares, shall respectively be entitled to convert their old preference shares into new preference shares forming part of the class of new preference shares created under the authority of this Act, provided that notice in writing of their intention be given to the Company within one year after the passing of this Act, and each holder who gives notice as aforesaid shall be entitled by way of substitution for the old preference shares held by him to the like number of new preference shares part of the said class, that is one new preference share for each old preference share.

Powers as to
the reduced
ordinary
shares and
converted
preference
shares.

32. The stock representing the ordinary shares reduced as aforesaid and the new preference shares issued by way of substitution under the foregoing provisions of this Act, shall be subject and liable to the same bequests, trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as with regard to ordinary shares affected the share at the date of the passing of this Act, or with regard to new preference shares affected at the date of the conversion the old preference shares for which they were substituted and every deed or other instrument, and any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the reduced or substituted stock or shares, as the case may be.

Issue of
new certifi-
cates.

33. The Company shall, free of charge, either call in and cancel the existing certificates of the ordinary shares already issued, and issue in lieu thereof, new certificates, or, at the option of the Company, stamp or mark the existing certificates so as to show that the shares have been reduced in amount, and converted into stock, and the amount of such stock, and with regard to converted preference shares the Company shall forthwith, after the conversion, and free of charge, call in and cancel the then existing certificates of the preference shares so converted, and issue, in lieu thereof, certificates of the substituted new preference shares: Provided always, that no holder of any such ordinary or preference share shall be entitled to any new certificate of proprietorship under this section until he shall have delivered up to the Company, to be cancelled, the certificate previously issued in respect of the share, or shall have proved, to the reasonable satisfaction of the Company, the loss or destruction thereof: Provided also, that after notice requiring the surrender or production of the old certificates, the Company may retain any dividend which may be payable in respect of any such stock or new preference share until the old certificate shall have been surrendered or produced, or the loss or destruction thereof shall have been proved as aforesaid.

34. The Company may from time to time borrow on mortgage of their undertaking additional sums, not exceeding in the whole one fourth of forty-five thousand pounds part of the additional capital of one hundred thousand pounds by this Act authorised to be raised, provided that in respect of each fifteen thousand pounds of such additional capital issued and accepted, and one half whereof shall have been paid up, the Company may borrow a sum or sums not exceeding in the whole three thousand seven hundred and fifty pounds: But no part of any or either of the before-mentioned sums of three thousand seven hundred and fifty pounds shall be borrowed until shares for the portion of the additional capital in respect of which the borrowing powers are to be exercised, are issued and accepted, and one half of such capital is paid up and the Company has proved to the justice who is to certify, under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted, and that one half of such portion has been paid up, and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof, before or at the time of the issue or acceptance thereof, and the Company have proved to such justice as aforesaid before he so certifies, that such shares were issued and accepted and paid up *bonâ fide*, and are held by the persons or corporations to whom the same were issued or their executors, administrators, successors or assigns, and that such persons or corporations, or their executors, administrators, successors or assigns, are legally liable for the same, and upon production to such justice, of the books of the Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

A.D. 1889.

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Power to
borrow on
mortgage.

35. All mortgages granted by the Company in pursuance of any Act of Parliament, and which shall be subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, and subject to the provisions of the Acts under which the mortgages were respectively granted, have priority over any mortgages granted by virtue of this Act.

Existing
mortgages
to have
priority.

36. Section 10 of the Act of 1884 is hereby repealed, without prejudice to any appointment made, or any proceedings taken thereunder prior to the passing of this Act, and 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

For appoint-
ment of a
receiver.

A.D. 1889. — 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 three thousand pounds in the whole.

Mortgages to comprise purchase money paid on compulsory sale.

37. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act, 1870, 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.

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

Company not to create debenture stock.

39. The Company shall not create debenture stock.

Application of moneys.

40. All moneys raised under this Act, whether by shares or borrowing shall be applied only to the purposes to which it is by this Act made applicable.

Interest not to be paid on calls paid up.

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

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

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

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

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

[52 & 53 VICT.] *West Metropolitan Tramways Act, 1889.* [Ch. ccii.]

44. 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. A.D. 1889.
Expenses of
Act.

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

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