



CHAPTER cclvi.

An Act for conferring further powers on the London United Tramways Limited for constructing Tramways and widening and altering roads for using mechanical power on their Tramways and for other purposes. A.D. 1898.

[12th August 1898.]

WHEREAS the London United Tramways Limited (in this Act called "the Company") are the owners of tramways in the counties of London Middlesex and Surrey constructed under the powers of the following Acts and Orders namely:—

The Southall Tramway Order 1873;

The Shepherd's Bush and Priory Road Acton Tramway Order 1876;

The Shepherd's Bush and Hammersmith Tramways Order 1881;

The West Metropolitan Tramways Act 1882;

The West Metropolitan Tramways Order 1887;

The West Metropolitan Tramways Act 1889;

The West Metropolitan Tramways Act 1891;

The West Metropolitan Tramways Act 1893; and

The London United Tramways Order 1895:

And whereas it is expedient that the Company should be empowered to construct the new tramways in this Act described and in connexion therewith to widen and alter the roads in this Act mentioned in that behalf and to work their tramways by mechanical power:

And whereas plans and sections showing the lines and levels of the tramways and other 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 or reputed owners lessees or reputed lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the county of Middlesex and are in this Act referred to respectively as the deposited plans sections and book of reference:

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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 be cited for all purposes as the London United Tramways Act 1898.

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 30 of the Tramways Act 1870 shall apply in relation to any alteration of or interference with any telegraphic line of the Postmaster-General subject to the following condition (that is to say) That all works executed by the Company in pursuance of that section in relation to any lowering or alteration of the telegraphic lines of the Postmaster-General or to the provision of telegraphic lines for the use of the Postmaster-General shall if the Postmaster-General so desire be executed by the Postmaster-General or his officers at the expense of the Company The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

Interpretation.

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 :

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

The expression "the Middlesex tramways" means the existing tramways of the Company in the county of Middlesex and the tramways by this Act authorised ;

The expression "the undertaking" means the undertaking of the Company ;

The expression "mechanical power" includes electric and every other motive power not being animal power or steam power ;

The expression "engine" includes motor ;

The expression "the county council" means the county council of Middlesex.

4. If there be any omission misstatement 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 misstatement 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 misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county and a duplicate thereof shall also be deposited with the vestry clerk town clerk or clerk to the district council (as the case may be) of the parish borough or urban district (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.

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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 according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramways herein-after described with all proper rails plates sleepers works and conveniences connected therewith :

Power to
make tram-
ways.

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

In the urban district of Heston with Isleworth and in the urban district of Brentford all in the county of Middlesex—

Tramway No. 6 commencing at the western end of High Street Hounslow and passing thence into and along High Street Hounslow London Road High Street Brentford and Kew Bridge Road and terminating by a junction with the existing tramway of the Company in Kew Bridge Road ;

Tramway No. 6 will be 3 miles 5 furlongs and 9'60 chains in length and will be double line throughout :

In the urban districts of Brentford and Hanwell in the county of Middlesex—

Tramway No. 7 commencing by a junction with Tramway No. 6 in High Street Brentford and passing thence

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into and along Half Acre Boston Road and Lower Boston Road and terminating in High Street Hanwell at a point 75 yards or thereabouts east of the centre of the bridge over the River Brent known as Hanwell Bridge;

Tramway No. 7 will be 2 miles 3 furlongs and 1·80 chains in length of which 2 miles 3 furlongs and 0·80 chains will be double line and 1 chain single line.

Power to
alter levels
of roads.

6. Subject to the provisions of this Act the Company may for the purposes of the tramways by this Act authorised alter in the manner shown on the deposited sections the levels of the under-mentioned streets or roads where the same respectively pass under the under-mentioned railways (that is to say):—

London Road under the London and South Western Railway Loop Line;

London Road under the Great Western Railway Brentford Branch.

For protec-
tion of
Great
Western
Railway
Company.

7. Notwithstanding anything in this Act contained the following provisions for the protection of the Great Western Railway Company (in this section called "the Great Western Company") shall unless otherwise agreed between the Company and the Great Western Company apply and have effect (that is to say):—

(a) Tramway No. 6 by this Act authorised where it will pass under the bridge carrying the Southall and Brentford Branch Railway of the Great Western Company over London Road and the alteration of the level of that road by this Act authorised shall be constructed under the superintendence and to the reasonable satisfaction of the Great Western Company unless after notice to be given by the Company fourteen days at least before the commencement of the work such superintendence is refused or withheld and in accordance with plans and sections previously submitted to and approved by the Great Western Company and in the event of any difference arising between the Great Western Company and the Company in accordance with plans approved by the Board of Trade and if the Great Western Company shall not give notice to the Company of their disapproval of the plans within fourteen days after the same shall have been submitted to them they shall be deemed to have approved the same;

(b) The Company shall from time to time be responsible for and make good to the Great Western Company all losses damages and expenses which may be occasioned to them the said bridge or any of their works or property or to the traffic on their railways or to any company or persons using the same or

otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any person in their employ or of the contractors or otherwise and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.

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8. Where any tramway by this Act authorised is laid along a road which is carried by means of a bridge over the railway of the Metropolitan District Railway Company or of the Hounslow and Metropolitan Railway Company (in this section respectively referred to as "the railway company") the following provisions shall unless otherwise agreed apply:—

For protection of Metropolitan District and Hounslow and Metropolitan Railway Companies.

(a) The Company shall not in any way alter or interfere with the structure of any bridge carrying any road over any railway of or maintained by the said companies or either of them and they shall so construct and maintain the tramways and all works connected therewith over any such bridge and the approaches thereto as not injuriously to affect the same or to cause any interruption to the passage or conduct of traffic along the said railways;

(b) In the event of any injury being caused to any such bridge or the approaches thereto or conveniences thereof by the construction laying maintenance repairing user or removal of the tramways or any pipes excavations cables or other works connected with the working thereof by mechanical power the railway company may at the expense of the Company after giving two clear days' notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the railway company may recover from the Company all sums costs and expenses which they may pay or be put to in restoring the said bridge and approaches in manner aforesaid and in repairing and maintaining (in case of default by the Company) so much of the road over such bridge and approaches as the Company are liable to maintain under section 28 of the Tramways Act 1870;

(c) All works which may be necessary in constructing laying and maintaining the tramways or any pipes excavations cables or other works connected with the working thereof by mechanical power over any such bridge shall be constructed and maintained

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in all things at the expense of the Company and to the reasonable satisfaction of the engineer of the railway company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the railway company or the Company ;

- (d) In case it shall become necessary in consequence of the existence or user of the tramways to strengthen the fabric of any such bridge the railway company may execute such works as their engineer may deem necessary but in all things at the expense of the Company and the railway company may recover from the Company all moneys expended by them in the execution of such works as aforesaid ;
- (e) If it shall become necessary for effecting such strengthening that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the railway company shall give the Company three clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the railway company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay ;
- (f) The sleepers and other materials forming the substructure of the tramways where the same cross any such bridge or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the railway company ;
- (g) If for the purpose of any future widening of any railway of the railway company under any such bridge it shall become necessary to alter the level of the roadway over such bridge or the approaches thereto and of the tramways thereon the railway company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of any stoppage or delay in the work or use of the tramways which may be rendered necessary by reason of any such alteration of level as aforesaid Provided always that such alteration so far as it affects the tramways shall be carried out to the reasonable satisfaction of the engineer of the Company and at the cost in all things of the railway company and the traffic on the said tramways shall only be stopped or delayed for so long as may be reasonably necessary for carrying out such alteration ;
- (h) Any additional expense in the maintenance of such bridge or of the roadway on or over the same or of the approaches

thereto occasioned by the construction use or maintenance of any such tramway shall be borne by the Company and be paid by them to the railway company on demand ;

- (i) The Company shall from time to time be responsible for and make good to the railway company all losses damages and expenses which may be occasioned to them or any of their bridges works or property or to the traffic on their railways or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any person in their employ or of the contractors or otherwise and the Company shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission ;
- (j) All differences that may arise between the Company and the railway company touching anything to be done or omitted to be done or not to be done or the reasonableness of any charges or in any manner in connexion with this section shall be settled by a referee to be nominated by the Board of Trade under section 33 of the 'Tramways Act 1870 and such lastly mentioned section shall apply to all such differences.

9. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall apply and have effect :—

For pro-
tection of
London and
South
Western
Railway
Company.

- (a) Before commencing the construction of any works by this Act authorised passing over the railway or the lowering of the London Road under the railway of the South Western Company or within ten yards thereof (herein-after referred to as "the said works") the Company shall deliver to the South Western Company for approval by their engineer plans drawings and specifications (herein-after referred to as "the said plans") 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 the said plans for one month after the delivery thereof the same shall be referred for settlement to an engineer to be appointed by the Board of Trade and the works shall be executed and subsequently maintained by the Company at their sole expense and under the superintendence and to the satisfaction of the engineer of the South Western Company ;
- (b) The Company shall not in any way alter or interfere with the structure of any bridge or other work belonging to or maintained by the South Western Company nor affix any

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bracket or wire upon any such bridge or other work without the consent in writing of that company under their common seal;

- (c) The Company shall indemnify the South Western Company against all claims and compensate them for any injury which may from time to time happen to the property or works of the South Western Company or to any person or persons using their railway in consequence of or during the construction of the said works but the appointment by the South Western Company of any inspector or the superintendence of any works by the South Western Company shall not relieve the Company from any liability in connexion with the construction of any works carried out by the Company;
- (d) From and after the commencement of the said works any additional expense of the maintenance of the structure of any of the bridges or roads occasioned thereby and the cost of any underpinning or other works which may be rendered necessary to secure the safety and stability of the bridge carrying the railway over the London Road by reason of the alteration to be made in the level of that road shall be borne and paid by the Company;
- (e) The South Western Company shall be at liberty at their own expense to divert or stop (but only for so long as may be absolutely necessary for the purposes in this subsection mentioned) any of the tramways if required for the purpose of executing repairs alterations or extension or widening of any of the bridges carrying over the railway any roads on which the tramways may be constructed and the South Western Company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such diversion or stoppage;
- (f) 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 decided by a single arbitrator to be appointed on the application of either party by the Board of Trade.

Company
not to
commence
tramways
over Brent-
ford county
bridge until
they shall
have widened
the bridge
&c.

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

- (a) Widened the bridge as is herein-after provided;
- (b) After such widening delivered to the county surveyor of Middlesex plans drawings and specifications of the tramway works intended to be executed upon over or affecting the said bridge or the approaches thereto nor until the same plans

drawings and specifications shall have been examined and reasonably approved of by the said surveyor by writing under his hand. Provided always that if the said surveyor shall disapprove or fail to approve of the tramway works for one month after the plans drawings and specifications thereof have been delivered to him then that the Company shall not execute nor commence any such tramway works as aforesaid unless and until plans drawings and specifications thereof have been examined and approved of by an engineer to be appointed by the Board of Trade on the application of the Company.

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

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

The Company shall subject as aforesaid widen the Brentford county bridge subject to the following conditions:—

The Company shall—

- (1) Carry out and complete such widening and make and construct the roads and footways herein-after mentioned and all works connected with such widening roads footways and approaches respectively according to such plans drawings and specifications so to be submitted as aforesaid and as may be reasonably approved of by the said surveyor and under his superintendence and to his reasonable satisfaction in all respects which approval shall be given in a reasonable time;
- (2) Increase the roadway of the bridge by throwing the existing footways into the same and erect and carry outside the present parapets new footways of a width at least equal to the width of the existing footways;
- (3) In all respects complete such widening of the bridge and the making and construction of the roads and footways over the same and the approaches thereto as aforesaid together with all necessary works incidental thereto within six months from the commencement of the works connected with the widening;
- (4) Execute and complete such widening and all such tramway works as aforesaid and make and construct such roadway and footways and the approaches to the bridge and all other works connected therewith at their sole expense and shall at the like expense subsequently maintain and repair so much of the

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roadway of the bridge and of the approaches thereto as they are bound to maintain and repair under section 28 of the Tramways Act 1870;

- (5) Pay the charges of the said surveyor in respect of his examination or approval of the said plans drawings and specifications so to be submitted to him as aforesaid and also his charges for the superintendence of such widening and other works by this Act authorised in connexion with the said bridge and the approaches thereto or incidental to such works;
- (6) Not at any time during the execution of the works connected with such widening or with the road and footways over the bridge or the approaches thereto without the previous consent of the county council break up the road over the said bridge or interrupt the traffic thereon for more than half the width of the roadway at any one time but shall take all such steps and do all such acts either by the erection of hoarding or otherwise as shall be reasonably required by such surveyor for the preservation and safe conduct of the traffic over the present roadways and footways respectively as aforesaid.

Notwithstanding anything in this Act contained the Company shall not acquire as against the county council any right other than that of user of the said bridge or the approaches thereto or any or either of them.

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

Any difference which may arise under the provisions of this section between the county council and the Company shall be referred to and determined by an engineer to be agreed upon between the Company and the county council or failing such agreement for the space of twenty-one days after any such difference shall arise by an engineer to be appointed on the application of either party by the Board of Trade and the provisions of the Arbitration Act 1889 and of any rules made thereunder shall apply to every such arbitration.

For protec-
tion of East
London and
Grand

11. Whereas divers mains pipes apparatus and other works (all herein-after in this section included in the term "mains") belonging to and now in use by the East London Waterworks

[61 & 62 VICT.] *London United Tramways Act, 1898.* [Ch. cclvi.]

Company and the Grand Junction Waterworks Company (herein-after called "the water companies") for the purpose of their water supply will or may in the widening under the provisions of this Act of the Brentford county bridge and approaches and the works connected therewith (herein-after included in the term "the widening") be intersected or otherwise interfered with Therefore the following provisions shall have effect:—

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Junction
Waterworks
Companies.

(1) Before commencing the widening the Company shall whether they contemplate altering the position of the mains of the water companies or not give fourteen days' notice to the water companies or water company to whom such mains may belong of their intention to construct the widening and shall at the same time deliver a plan and section of the proposed works If it should appear to the water companies or either of them that the construction of the widening as proposed would endanger or interfere with the said mains or impede the supply of water the water companies or either of them may give notice to the Company to lower or otherwise alter the position of the said mains or to support the same or to substitute temporarily or otherwise other mains in such manner as may be considered necessary and to lay or place under any mains cement concrete or other like substance and any difference as to the necessity of any such lowering alteration support substitution laying or placing cement concrete or other like substance shall be settled in manner provided by this section for the settlement of differences and all such works shall be done and executed by and at the expense of the Company and to the satisfaction and under the superintendence and direction of such water companies or water company or of their engineer if they or he think fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Company are hereby required to give and the reasonable costs of such superintendence shall be paid by the Company ;

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

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by arbitration as herein-after provided and the Company shall not execute any part of the widening which may affect or interfere with the said mains except as may be approved by the water companies or settled by arbitration as herein-after provided ;

- (3) And if the water companies or either of them by notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of the widening so require the water companies or either of them may by their own engineer or workmen do or execute the works in connexion with the mains of the water companies or either of them on the expiration of the first mentioned notice and the Company shall on the completion thereof pay to the water companies or either of them the reasonable expenses incurred by them in the execution thereof ;
- (4) The Company shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to the water companies or except in manner as may be approved by the water companies nor shall anything in this section authorise the Company or the water companies to lay down or alter the position of any pipes or execute any work otherwise than in accordance with the obligations of such water companies to the county council which may now exist and be in force ;
- (5) The Company shall make good all damage done to the mains of the water companies or either of them and shall make full compensation to the water companies for any loss or damage which they may sustain by reason of any interference by the Company with such mains and if the supply of water in or through any mains of the water companies or of either of them shall by any act of the Company or of any contractors agents servants workmen or person employed by the Company be interrupted the Company shall compensate such water company for the damage caused to them by or by reason of such interruption ;
- (6) The water companies or either of them or any workmen or others in their employ may at any time and from time to time enter upon the said bridge or the said widening and do all such work in on under or upon the same as may be necessary for laying maintaining repairing renewing removing replacing or extending such mains ;
- (7) If any difference shall arise between the Company or their engineer and the water companies or their or either of their engineers on any question under the foregoing provisions such difference shall be referred to and settled by an engineer to

be agreed upon between the parties in difference or failing agreement to be appointed on the application of either of such parties by the Board of Trade ;

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- (8) Nothing in this section shall confer upon the water companies any greater or other rights over or in respect to the Brentford Bridge as against the county council than the water companies would have had if this section had not formed part of this Act.

12. The Company shall simultaneously with any notice which they are hereby required to give to any water company give a like notice to the county council and all alterations of any mains of the water companies shall be constructed in accordance with plans and sections and particulars to be previously submitted to and reasonably approved by the county council and the provisions of the last preceding section with regard to the submission to and approval by the water companies of plans and sections and the approval of works and materials by such companies shall *mutatis mutandis* apply as between the Company and the county council.

Company to give notices and submit plans to county council.

13.—(1) The Company shall pay to the Brentford Urban District Council (in this Act referred to as “the Brentford Council”) one equal third part of the costs charges and expenses incurred by the Brentford Council in widening such parts of the High Street Brentford as are shown on the plan signed in duplicate by the Right Honourable the Earl of Morley the Chairman of Committees of the House of Lords.

For protection of Brentford Council.

(2) The amount to be paid by the Company to the Brentford Council under the subsection (1) next herein-before contained shall not exceed the sum of five thousand pounds.

(3) The payments so to be made by the Company as aforesaid shall be secured by the deposit by the Company of the sum of five thousand pounds upon a deposit account at the Brentford Branch of the London and County Banking Company in the joint names of the Company and the Brentford Council and the receipt for such deposit shall be given to the Brentford Council. The amount so deposited shall be applied in or towards satisfying the amount payable (but for the time being unpaid) by the Company under subsections (1) and (2) of this section and may for such purpose be withdrawn wholly at one time or in parts from time to time as the Brentford Council may reasonably require and the amount for the time being undrawn shall be placed or replaced or retained upon a like deposit account and be subject in every respect to the provisions of this section in like manner as the sum originally deposited.

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(4) The said deposit of five thousand pounds shall be made as soon as possible after the passing of this Act and before the Company shall enter upon the construction of the tramways or works hereby authorised.

(5) Before commencing the construction of so much of Tramway No. 7 as lies within the jurisdiction of the Brentford Council the Company at their own cost in every respect shall widen the street or place known as the Half Acre from the High Street to the Butts Brentford at least fifteen feet throughout the entire length and shall acquire by purchase out of their own moneys or otherwise and shall throw into the Half Acre the land necessary for the purpose aforesaid and shall level pave channel and make good the carriage-way footway and land so acquired as aforesaid which said premises so levelled paved channelled and made good as aforesaid shall thereafter be maintained and be repaired by the Brentford Council.

(6) Detailed plans and sections showing the manner in which the proposed widening of the Half Acre is to be effected together with a specification of the works to be done and the materials to be used thereon shall be submitted to the Brentford Council and approved by their surveyor and such works shall be carried out in accordance with such plans sections and specification to the reasonable satisfaction of the Brentford Council.

Provision as to construction of tramways in Brentford district.

14. The construction of the tramways within the district of the Brentford Council shall be as follows :—

- (a) The rails shall subject to the provisions of this Act and the deposited plans be laid along the roads in such lines and positions as shall be defined on the plan to be prepared by the Company's engineer and settled and approved of by the Brentford Council and the county council. Such approval shall be authenticated by the signature of their respective clerks upon such plan and no rails shall be laid in any other positions without their consent previously obtained ;
- (b) The Company at the time of giving notice to the Brentford Council of their intention to open or break up the roads for the purpose of laying down any of the tramways as required by the Tramways Act 1870 shall also submit to the Brentford Council and the county council a plan and section showing the proposed mode of constructing laying down and maintaining the same and a statement of materials intended to be used therein and the Company shall not commence such works or any of them until such plan section and statement have been approved of by such councils and after such approval the works shall be executed in accordance with such plan section and statement as so approved ;

- (c) All notices under sections 26 and 31 of the Tramways Act 1870 shall be given and all plans shall be deposited twenty-one days at least before the commencement of the works specified or shown therein and all plans shall be deposited in duplicate ;
- (d) The Company shall be at liberty to use under the direction and to the satisfaction of the surveyor of the Brentford Council such quantity of metalling or material excavated in the construction of the works as shall be required for the purpose of forming the concrete substructure of the tramway all surplus metalling or material so excavated remaining the property of the Brentford Council and the county council and the Company shall at their own expense remove and cart away such surplus to such places as the Brentford Council or their surveyor may before or during the progress of the works require providing that the distance shall not exceed one mile and if the Company fail to remove and cart away such surplus when and as often as required by the Brentford Council the Brentford Council may do so and charge the Company with the cost thereof ;
- (e) The tramway and works shall be completed within six months from the commencement of the works or such extended time as the Brentford Council may authorise and the Company shall indemnify the Brentford Council against any loss they may sustain by reason of nonpayment of the county contribution towards the maintenance of the roads (which are main roads) during the financial year or any part thereof in which the tramways and works shall be in course of construction but the Brentford Council shall use their best endeavours to obtain payment of the full amount of the contribution during those periods ;
- (f) The Company shall at all times maintain and keep in good repair and so as not to be a danger or annoyance to ordinary traffic to the satisfaction of the Brentford Council the portion of the roadway repairable by the Company and the Company during the construction of the tramway and works shall repay to the Brentford Council the extra expenses they may incur in raising and making uniform and level with the tramway and works of the Company and of the maintenance and keeping in good repair of the portions of the roadway up to the kerb and channel on each side of the tramway but the metalling removed under subsection (d) shall be used for such repairs as far as possible the amount of such extra expenses to be settled by the surveyor of the Brentford Council and the engineer of the Company and failing their agreement by an arbitrator to be appointed by the Board of Trade on the

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application of either party and if the Company at any time fail to comply with the provisions of this subsection the Brentford Council shall be at liberty after three days' notice to open and break up the road and do the works necessary for the proper repair of the said portion of roadway and the expenses incurred in so doing shall be repaid to them by the Company ;

- (g) No part of the tramways passing through the district of the Brentford Council shall be used as a stopping place for the cars (other than is required by the ordinary traffic of the tramways) except at the termination of the 'Tramway No. 6 near Kew Bridge and at a point opposite the house No. 271 High Street Brentford which may if required be used as a terminal point for traffic ;
- (h) Any difference which may arise under the provisions of this section between the Brentford Council or the county council and the Company shall be from time to time referred to and determined by an engineer to be agreed upon between the Company the Brentford Council and the county council or failing such agreement by an engineer to be appointed on the application of either party by the Board of Trade and the provisions of the Arbitration Act 1889 and of any rules made thereunder shall apply in every such arbitration.

For protection of
Heston and
Isleworth
Urban
District
Council.

15. For the protection of the Heston and Isleworth Urban District Council (in this section referred to as "the council") the following provisions shall have effect (that is to say) :—

- (1) The Company shall not without the consent in writing of the council commence to lay any tramway within the district of the Council until they have completed the laying of the double line of tramway authorised by this Act within the Brentford Urban District from Kew Bridge to the Brent County Bridge so as to provide a continuous double line of tramway from the said bridge to the commencement of Tramway No. 6 ;
- (2) Tramway No. 6 authorised by this Act shall be laid throughout its entire length within the district of the council as a double line No portion of the said tramway within the said district shall be laid as a single line ;
- (3) In addition to the requirements of section 26 of the 'Tramways Act 1870 and of the section of this Act of which the marginal note is "Further provisions as to construction of tramways" the Company shall before commencing any works within the district of the council lay before the council and the county council a similar plan and statement to that which they are required to lay before the Board of Trade and also a description

with proper plans and drawings of the cars and other rolling stock proposed to be used by the Company and also a statement with plans and specifications showing the method of using electric motive power proposed to be adopted and the Company shall not commence any works within the district of the council until such plans statements and specifications have been approved by the surveyor to the council and the surveyor to the county council but such approval shall not be unreasonably withheld and after such approval all the works therein described shall be executed in accordance in all respects with such plans statements and specifications and under the superintendence and to the reasonable satisfaction of the engineer and surveyor of the council (herein-after called "the surveyor") and the surveyor to the county council No rolling stock other than such as is shown in the said description plans and drawings shall be used on the tramways within the district of the council (in this section called "the said tramways") without the previous consent of the council The Company shall not without the previous consent of the council at any time break up any road or street or interrupt the traffic thereon for more than half the width of the roadway of such road or street at any one time ;

- (4) The provisions of section 28 of the Tramways Act 1870 and of this Act with respect to the paving and maintaining certain portions of the roadways whereon the tramways are laid shall extend to so much of every roadway within the district of the council upon which any tramway is laid under the powers of this Act as lies within the two exterior or outer rails of the said tramway and for a space of at least 24 inches on the outside of each of such rails If the council shall at any time take up any part of the said road in order to gain access to their sewers or otherwise in exercise of the powers given to them by the Tramways Act 1870 or this Act the said road shall be restored and replaced by the Company at their own expense ;
- (5) If the tramways shall pass over or interfere with any manhole surface or foul water sewer or pipe which in the opinion of the surveyor it would be dangerous or inconvenient to retain in its position under the said tramways the Company shall at their own expense take up such manhole surface or foul water sewer or pipe and relay or replace the same in the part of the road not occupied by the said tramways to the satisfaction of the surveyor ;
- (6) The alterations in the levels of the London Road under the London and South Western Railway Loop Line within the district of the council shall be carried out under the direction and to the satisfaction and approval of the surveyors of the

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council and of the county council and any expense in the construction of the said 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. The Company shall at their own expense make and do all such works and things as the surveyor shall think necessary for the preservation and safety of any sewer drain or pipe under the control of the council which may be in his opinion subjected to more pressure or otherwise affected by the alteration of level of the London Road by this Act authorised;

- (7) In addition to the provisions of this Act the council may if they think fit at any time after seven days' notice to the Company open and break up the road and do the works necessary for the proper repair of the portion of the roadway repairable by the Company 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 but by the council only;
- (8) The section of this Act of which the marginal note is "Application of road materials excavated in construction of tramways" shall not apply within the district of the council but instead thereof any granite setts paving metalling or material of the road authority laid down by the council or their predecessors the Heston and Isleworth Local Board and excavated or displaced by the Company in the construction of the tramways from any road under the jurisdiction or control of the council as road authority shall forthwith be delivered by the Company to the surveyor or to such other person as he may appoint to receive the same or at such depôt road street or place within the district of the council not being more than two miles from the said tramways as such surveyor may direct. And if within seven days after the surveyor shall have given notice in writing to the Company of such depôt road street or place any such paving metalling or material be not delivered to the surveyor or other person or at such depôt road street or place as aforesaid the Company shall forfeit and pay to the council a sum not exceeding five pounds for every day during which the said paving metalling or material is not so delivered and such penalty shall be recoverable and payable to the council and shall be a penalty within the meaning of section 56 of the Tramways Act 1870;
- (9) The Company shall pay to the council one half part of the costs charges and expenses of obtaining the necessary powers

to acquire the lands and premises necessary for widening the High Street Hounslow from the corner of Douglas Road to the premises at present occupied by W. F. Larkin wine and spirit merchant on the south side of the said High Street according to the plan signed by Sir John Kennaway the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and of acquiring such lands and premises and widening the said High Street in manner aforesaid and all costs charges and expenses of and incidental to obtaining the said powers for acquiring the said lands and premises and doing all works necessary for widening the said High Street The sum so to be paid by the Company shall be one-half part of the gross sums expended for the purposes aforesaid and the Company shall not be entitled to question the propriety of any such expenditure Any contributions which may be received by the council from the county council or any other body or persons towards the expense of widening the said High Street shall not be deducted from the said gross sum or reduce the amount to be paid by the Company under this clause but shall be applied in reducing the half part left to be paid by the council ;

(10) The said half part shall be paid by the Company in manner following (that is to say) The surveyor shall as soon as possible after the passing of this Act deliver to the Company a certificate of the estimated cost of the widening of the said High Street and the obtaining the said powers and acquiring the said lands and premises and the Company shall within seven days of the receipt of such certificate pay to the council one half the sum mentioned therein As soon as possible after the completion of the widening of the said High Street the surveyor shall deliver to the Company a certificate of the amount actually expended on obtaining the said powers acquiring the said lands and premises and widening the said High Street and if the amount shown in the said certificate shall exceed the amount of the said certificate of the estimated cost the Company shall within seven days of the receipt of such certificate pay to the council one half the amount of such excess If the amount actually expended as aforesaid shall be less than the amount of such estimate the council shall repay to the Company the difference between the sum previously received from the Company and the half part of the sum actually expended but without interest ;

(11) The council shall forthwith use their best endeavours to obtain the powers for and carry out the said widening of the

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said High Street but nothing herein in this section shall bind them to do so unless they can acquire the necessary lands and premises at what they decide to be a reasonable price and without being compelled to take the whole of any messuage or premises of which they only require a part. Provided always that the council shall have full power if they think fit to take the whole of any premises they may be so required to take and in any such case any moneys which the council may receive from any resale of part of the premises so taken (after deducting thereout the costs charges and expenses of and incidental to such resale) shall be deducted from the gross amount of the said costs charges and expenses. Provided nevertheless that the payment by the Company shall not be postponed until after such resale but the Company shall pay at the time aforesaid half the amount of the said certificate of the surveyor and any amount which on a subsequent resale may appear to have been overpaid by the Company shall then be repaid to them by the council;

- (12) All moneys payable by the Company under this section shall without prejudice to any right of the council to recover the same in any other way be recoverable by the council in manner provided by section 56 of the Tramways Act 1870;
- (13) If the council shall be unable under the powers obtained by them to acquire the lands which they need for widening the said High Street without taking the whole of any messuage or premises of which they only need a part and shall at any time after the expiration of two years from the passing of this Act require the Company to obtain at the costs of the Company statutory powers for acquiring the land necessary for the said widening of the said High Street the Company shall within two years of such request apply for and use their best endeavours to obtain statutory powers to take the lands necessary for such widening free from the restrictions as to taking the whole of any messuage or premises imposed by section 92 of the Lands Clauses Consolidation Act 1845 and shall take the said lands and premises and give possession thereof to the council who shall thereupon carry out the widening referred to in subsection (9) of this section and all costs charges and expenses of and incidental to executing the said widening shall be borne by the Company and the council in equal proportions as provided by subsections (9) (10) and (11) of this section;
- (14) The tramways authorised by this Act within the district of the council shall be completed within one year from the date

of the commencement thereof and notice of any application for any extension of time for the commencement or completion of the tramways shall be served upon the council who shall be entitled to appear upon the hearing of such application ;

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(15) As security to the council for the due completion to their satisfaction of the said tramways and for the repair maintenance and restoration of roads rails paving and substructure as provided by the Tramways Act 1870 and by the West Metropolitan Tramways Act 1889 and this Act the Company shall in addition to complying with section 12 of the Tramways Act 1870 as modified by any rules of the Board of Trade in force at the passing of this Act and with all such rules within one month after the passing of this Act deposit with the treasurer of the council the sum of one thousand pounds or at the option of the council assign to such treasurer such other security of not less value as the council may think sufficient and the said sum or any such security assigned as aforesaid shall be held by the said treasurer until the said tramways shall be completed and in the event of any expense being incurred as aforesaid by the council in the repair maintenance or restoration of the roads rails or substructure such expenses shall be paid out of the moneys or provided out of the securities so deposited until the amount of such expenses shall have been recovered from the Company in manner aforesaid and for this purpose the council may sell and convert if they think fit such securities or any part thereof and upon the recovery of the same from the Company the council shall hold the same upon the same terms and for the same purposes as they held the moneys applied in payment of the said expenses as aforesaid and as if such amount so recovered had formed part of the original deposit Provided that during the continuance of the deposit the council shall pay to the Company on the first day of April in each year interest on the said sum of one thousand pounds or the securities deposited in lieu thereof or such part thereof as shall from time to time remain in the hands of the said treasurer after deduction of all outgoings in respect of expenses as aforesaid or any penalties recoverable by the council under this Act at such rate as the council may receive for the same ;

(16) No posts wires brackets or other erections erected by the Company for the purpose of using the said motive power or otherwise under the powers of this Act shall be erected within the district of the council otherwise than in such position of

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such height and of such design as the surveyor shall reasonably approve having regard to the purpose for which they are required and all works necessary for the supply or distribution and control of the said electric motive power shall be done under the direction and to the reasonable satisfaction of the surveyor in the same manner as herein-before provided with respect to the construction of the said tramways;

(17) The Company shall erect at the terminus of the said tramways in High Street Hounslow and at the point at the Brent County Bridge where the said tramways enter the district of the Council and at eight such other spots being at or near the junctions of principal or other roads in the said district as the surveyor shall direct sufficient electric lamps of such a character height and design as the surveyor shall approve to be served from the trolley wire to thoroughly light the said places to the reasonable satisfaction of such surveyor and will at all times repair and maintain the said lamps in good order and condition and will keep the same lighted and burning at all times at which the tramcars are running and the public street lamps under the control of the council are or ought to be lighted according to the regulations of the council and supplied with current of not less than one hundred and ten voltage;

(18) The council may with their own carriages or trucks at any time between the hours of twelve at night and six in the morning use all or any of the said tramways free of toll for sanitary purposes and for the conveyance of scavenging refuse road material and nightsoil and the council may make such junctions sidings and works as they may think necessary or convenient for making communication to the said tramways from their depôts and yards or sewage farm Provided further that the council shall not under or by virtue of this section acquire any right to convey scavenging refuse or nightsoil on any of the tramways within the district of any other district council without the consent of such other council but such consent shall not be withheld if upon application of either the Company or the council the Board of Trade shall after inquiry be of opinion that the consent should be given subject to the insertion therein of such terms and conditions for the protection of such council as to the Board of Trade shall seem reasonable The council may themselves provide and use horse power upon the said tramways for the purposes of this section or if they so require the Company shall supply them at a reasonable charge with electric or other motive power

- for the purposes aforesaid the council at their own expense providing carriages or trucks suitable to be used on the said tramways with the motive power for the time being used by the Company ;
- (19) The council may at any time use the poles for carrying electric wires erected by the Company for the purpose of fixing electric light thereon or for any purpose not inconsistent with the use thereof by the Company without paying any rent for the use thereof and if in consequence of discontinuance or abandonment of the said tramways the said tramways shall at any time be removed the poles if so used by the council shall not be removed but shall become the property of the council without any payment for the same ;
- (20) If in the judgment of the council at any time after the opening of the said tramways any part of the said tramways or any road upon which any of the said tramways is laid is out of repair it shall be lawful for the council with the consent of the Board of Trade to stop the passing of the tramcars and carriages of the Company along such part of the said tramways or road until the same shall have been put into good condition and repair to the satisfaction of the council ;
- (21) The Company at all times after the opening of the said tramways or any part thereof for public traffic shall and they are hereby required to run at least one carriage or more if required each way for the whole length of the said tramways every week day morning and evening (Christmas Day and Good Friday excepted) at such hours not being later than seven in the morning or earlier than half-past five in the evening as the council shall fix as being convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile but so that the minimum fare shall not be less than one penny ;
- (22) It shall not be lawful without the consent of the council for the Company or any company or person working or using the said tramways to take or demand on Sunday or any Bank or other public holiday any higher toll or charges than those levied on ordinary week days :
- (23) All sums which may become due or payable by the Company to the council under the provisions of this Act as well as all penalties damages costs charges and expenses under this Act or any provisions incorporated with this Act or under any byelaw made by the local authority under this Act or the Tramways Act 1870 may be enforced and recovered either in

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any court of summary jurisdiction or in any court of competent jurisdiction ;

(24) The powers of the council as the local authority under the Tramways Act 1870 with respect to the making of byelaws and regulations as to the matters therein mentioned and to repeal or alter such byelaws and make new byelaws shall subject to the provisions of this Act extend and apply to the following matters and purposes viz. :—

(a) Prohibiting the stopping of carriages using the tramways to take up and set down passengers or for any other purpose and the entry or leaving of any carriage in any place which the council having regard to the protection safety or convenience of the public may from time to time deem necessary ;

(b) Empowering the council to cause to be removed from the said tramways any carriage or fittings which shall be certified by the surveyor to be unfit for use on the said tramways ;

(c) For enforcing good conduct attention and civility from the drivers and conductors of carriages using the said tramways ;

(d) For regulating the lights to be carried by such carriages ;

(e) For regulating the user of the said tramways ;

(f) For regulating the fares to be charged by the Company ;

(25) If any dispute or difference shall arise between the council or the county council and the Company concerning the construction of this section or the rights duties or liabilities of either party hereunder then and in every such case the dispute or difference shall be referred to an arbitrator to be appointed by the Board of Trade under and subject to the provisions of the Arbitration Act 1889.

For protection of urban district council of Hanwell.

16. The following provisions for the protection of the urban district council of Hanwell (in this section called "the council") shall unless otherwise hereafter agreed between the Company on the one hand and the council and the county council on the other hand apply and have effect (that is to say) :—

(1) The rails of the proposed tramways shall so far as intended to be laid within the district of the council be laid along the roads in such lines and positions as shall be approved by the council and the county council and the Company shall submit to the council and the county council a plan in duplicate showing the lines and positions of the said rails for their approval which shall be signified by the signature of their respective clerks and no rails shall be laid in any other positions

than those so approved except with the written consent of the council and the county council previously obtained to any alteration of the same ;

- (2) In addition to the requirements of the Tramways Act 1870 for giving notice to the council of the intention of the Company to open or break up roads within the district of the council for the purpose of laying down any of the tramways thereon the Company shall at least twenty-one days before the commencement of any works submit to the council and the county council a plan and section in duplicate showing the proposed method of constructing laying down and maintaining the said tramways and also a statement of the materials intended to be used and the Company shall not commence any such works until the said plan section and statement have been approved by the said councils and on such approval the said works shall be executed in accordance therewith ;
- (3) In all cases where there is a less distance than three feet between the outer rail of any tramway and the line of footway the Company shall pave the intervening space between such outer rail and the line of footway in such manner as the council and the county council shall reasonably approve or require ;
- (4) The tramways and works shall so far as the same will be situate within the district of the council be completed within six months from the commencement of the construction thereof or within such extended time as the council may authorise ;
- (5) The Company shall at all times maintain and keep in good repair and so as not to be a danger or annoyance to the ordinary traffic of the district to the satisfaction of the council the portion of the roadway repairable by the Company and the Company shall during the construction of the tramways and works repay to the council any expense which the council may incur in raising and making uniform and level with the tramway and works of the Company and maintaining and keeping in good repair all the portions of the roadway up to the kerb and channel on each side of the tramway and the council may at any time after three days notice open and break up any part of the road and execute at the expense of the Company any works for the proper repair of the said portion of roadway and the amount of such expense that may be incurred by the council shall be agreed on by the surveyor of the council and the engineer of the Company and failing such agreement shall be settled by arbitration under the provisions of this section ;

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- (6) No part of the tramways passing through the district of the council shall be used as a stopping place for the cars to be run on the lines other than is required by the ordinary traffic of the tramways except at the terminal point for traffic ;
- (7) The council shall be entitled without making any compensation to the Company to affix and fasten and maintain on any standards or other erections put up erected or constructed by the Company (but so that the same shall not injuriously affect the electrical working of the tramways) any pipes lamps or other things which the council or their surveyor for the time being may consider to be necessary or expedient for the lighting of any part of the district ;
- (8) The Company shall indemnify the council against any loss which the council may sustain by reason of the non-payment of the county contribution towards the maintenance of roads during the financial year or any part thereof in which the tramways and works shall be in the course of construction but the council shall use their best endeavours to obtain payment of the full amount of the contribution during this period ;
- (9) In the event of any difference arising under the provisions of this section on any matter arising out of the same between the council or the county council and the Company such difference shall be from time to time referred to and determined by an engineer to be agreed upon between the council and the county council and the Company or failing such agreement by an engineer to be appointed on the application of either party by the Board of Trade subject to the provisions of the Arbitration Act 1889.

For protection of
Chiswick
Urban
District
Council.

17. And whereas under the provisions of the Tramways Act 1870 and the special Acts relating to the tramways of the Company the urban district council of Chiswick (in this section called "the council") are empowered to purchase compulsorily so much of the tramways of the Company as are situate within the district (in this section called "the said tramways") either in the year one thousand nine hundred and three or one thousand nine hundred and ten on the terms mentioned in the Tramways Act 1870 :

And whereas the tramways authorised by this Act are purchasable by the local authorities of the districts in which they are situate in the year one thousand nine hundred and nineteen and it is expedient that the tramways in the urban district of Chiswick should be purchasable at the same date as the tramways authorised by this Act :

And whereas at the request of the Company and in consideration of the payments herein-after provided for to be made to the council

the council have consented not to exercise the powers of purchase conferred upon them by the Tramways Act 1870 in respect of the Company's lines within their district until the year one thousand nine hundred and nineteen subject as is herein-after provided :—

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- (1) The Company shall pay to the council the sum of three hundred and fifty pounds per annum commencing from the date of the passing of this Act and for a period of five years thereafter and will pay the sum of five hundred pounds per annum from the expiry of the said term of five years for a period of seven years thereafter and the sum of seven hundred and fifty pounds per annum from the expiry of the said term of seven years until the expiry of the said term of twenty-one years from the passing of this Act. Such sums shall be payable by equal quarterly payments on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in every year the first of such quarterly payments or a due proportion thereof to be made on the quarter day next after the passing of this Act ;
- (2) The said payments to the council shall be a first charge on the undertaking of the Company and shall take precedence of all mortgages and debenture stock to be granted or created after the date hereof ;
- (3) If the Company shall at any time during the said period of twenty-one years make default in the payment of any of the said quarterly payments for a period of twenty-one days next after the same shall have become due and been demanded the council shall have for a period of twelve months from the expiration of such last-mentioned period power to purchase so much of the undertaking of the Company as is within the district of the council in the manner and on the terms provided by section 43 of the Tramways Act 1870 and the Company shall sell the same to the council accordingly ;
- (4) Notwithstanding anything contained in the Tramways Act 1870 or in any Act or Order relating to any of the said tramways and in consideration of the payments to the council herein-before referred to the powers of the council under section 43 of the Tramways Act 1870 for purchasing the said tramways shall except in the events and under the conditions provided in subsection (3) of this section be exerciseable at but not before the expiration of a period of twenty-one years from the passing of this Act or within six months thereafter and within six months after the expiration of every subsequent period of seven years instead of at any other period fixed by the Acts or Orders

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and section 43 of the Tramways Act 1870 as incorporated with the several Acts and Orders relating to the said tramways shall be read and have effect accordingly ;

(5) In addition to the requirements of section 26 of the Tramways Act 1870 and of the section of this Act of which the marginal note is "Further provisions as to construction of tramways" the Company shall before commencing any works within the district of the council lay before the council and the county council a similar plan and statement to that which they are required to lay before the Board of Trade and also a description with proper plans and drawings of the cars and other rolling stock proposed to be used by the Company and also a statement with plans and specifications showing the method of using electric motive power proposed to be adopted and the Company shall not commence any works within the district of the council until such plans statements and specifications have been approved by the surveyor to the council and the surveyor to the county council but such approval shall not be unreasonably withheld and after such approval all the works therein described shall be executed in accordance in all respects with such plans statements and specifications and under the superintendence and to the reasonable satisfaction of the engineer and surveyor of the council (herein-after called "the surveyor") and the surveyor to the county council No rolling stock other than such as is shown in the said description plans and drawings shall be used on the said tramways without the previous consent of the said council The Company shall not without the previous consent of the council at any time break up any road or street or interrupt the traffic thereon for more than half the width of the roadway of such road or street at any one time ;

(6) The Company shall erect all posts or standards which are required for the purpose of carrying the trolley wires within the district of the council in such positions of such height and of such design as shall be reasonably approved by the surveyor of the council and suitable for carrying electric or other lamps for the proper lighting of the roads and shall at all times allow the council to use the said posts and to attach thereto the necessary wires and apparatus for electric or other lighting free of all costs and charges to the council provided that no interference shall be caused by the said council with the electric apparatus of the Company which may in any way hinder the proper and safe working of the tramways and under similar conditions and restrictions the council may use the said posts or standards for any other suitable purpose to which they can be applied and

if at any time the overhead wires should be removed the posts or standards shall thereupon become the absolute property of the council and the feeder cables shall be placed under the carriageway or footpath as the council shall determine ;

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- (7) The council may with their own carriages or trucks at any time between the hours of twelve at night and six in the morning use all or any of the said tramways free of toll for sanitary purposes and for the conveyance of scavenging refuse road material and nightsoil and the council may make such junctions sidings and works as they may think necessary or convenient for making communication to the said tramways from their depôts and yards or sewage farm Provided that the council shall not under or by virtue of this section acquire any right to convey scavenging refuse or nightsoil on any of the said tramways within the district of any other district council without the consent of such other council but such consent shall not be withheld if upon application of either the Company or the council the Board of Trade shall after inquiry be of opinion that the consent should be given subject to the insertion therein of such terms and conditions for the protection of such council as to the Board of Trade shall seem reasonable The council may themselves provide and use horse power upon the said tramways for the purposes of this section or if they so require the Company shall supply them at a reasonable charge with electric or other motive power for the purposes aforesaid the council at their own expense providing carriages or trucks suitable to be used on the said tramways with the motive power for the time being used by the Company ;
- (8) If in the judgment of the council at any time after the opening of the said tramways any part of the said tramways or any road upon which any of the said tramways are laid is out of repair it shall be lawful for the council with the consent of the Board of Trade to stop the passing of the tramcars and carriages of the Company along such part of the said tramways or road until the same shall have been put into good condition and repair to the satisfaction of the council ;
- (9) If any dispute or difference shall arise between the council or the county council and the Company concerning the construction of this section or the rights duties or liabilities of any party hereunder then and in every such case the dispute or difference shall be referred to an arbitrator to be appointed by the Board of Trade under and subject to the provisions of the Arbitration Act 1889.

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For protection of
urban
district
council of
Acton.

18. For the protection of the urban district council of Acton (in this section called "the council") the following provisions shall have effect:—

- (1) On and after the day when the carriages of the Company running between their terminus opposite the Uxbridge Road Railway Station at Shepherd's Bush and Acton shall commence to be propelled by electrical power the Company shall not at any time of day or night charge any passenger for a complete journey each way between the Shepherd's Bush terminus and any part of the parish of Acton a greater sum than one penny;
- (2) Before proceeding to make any alteration in their existing tramways within the district of the council so as to adapt them to be worked by electrical power and before proceeding to erect posts or standards or to execute any of the works mentioned in the section of this Act the marginal note to which is "Power to erect posts &c." the Company shall submit detailed plans to the surveyor to the council and the surveyor to the county council showing exactly the works proposed to be executed and the position of all posts conductors wires tubes mains plates cables openings ways and other apparatus therein mentioned and no such works shall be proceeded with until such surveyors shall have approved of the plans submitted to them for their approval Provided always that if the Company and the surveyor to the council or the surveyor to the county council shall fail to agree as to any provisions to be made in respect to the said works then the matters in difference shall be submitted to the Board of Trade whose decision thereon shall be final;
- (3) The Company shall erect all posts or standards required by them for the purposes of the electrical working of their tramways within the district of Acton of such kind and description as shall be suitable for carrying the electrical arc or other lamps to be provided by the council for the efficient lighting of the roads or streets within which they are situated and the Company shall at all times permit the council to use the said posts or standards and attach thereto the necessary wires and apparatus for such electric lamps free of all cost and charges to the council Provided that the Council shall in nowise interfere with or hinder the safe and proper working of the tramways and the council shall also be at liberty under like conditions to use any posts or standards belonging to the Company for any other public purpose to which they can be applied not inconsistent with the use thereof by the Company;

- (4) If the Company shall use and appropriate and construct a station or stations for generating electrical power on the lands described in the section of this Act the marginal note to which is "Power to use lands for generating stations" as the Acton depôt they shall only erect maintain and use thereon such buildings engines dynamos and other machinery apparatus works and conveniences as may be necessary with the consent and approval of the Acton District Council (which consent and approval shall not be unreasonably withheld) and before proceeding with the construction of such buildings and the erection and use therein of any engines dynamos and other machinery apparatus works and conveniences the Company shall submit to the surveyor of the Acton District Council plans fully showing the construction of such buildings and the position therein of the engines dynamos machinery and apparatus and particularly the provisions which shall be made so as to prevent injury or danger to the buildings roads and works in the immediate vicinity thereof by reason of the vibration noise or products of combustion which might result from the use of engines boilers machinery dynamos or other apparatus Provided always that if the Company and the surveyor to the council shall fail to agree as to any provisions to be made in respect thereof then the matters in difference shall be submitted to the Board of Trade whose decision thereon shall be final and binding ;
- (5) The council and the county council on the one hand and the Company on the other hand may enter into and carry into effect agreements for the variation of any of the provisions of this section ;
- (6) If any dispute or difference shall arise between the council or the county council and the Company concerning the construction of this section or the rights duties or liabilities of any party hereunder then and in every such case the dispute or difference shall be referred to an arbitrator to be appointed by the Board of Trade under and subject to the provisions of the Arbitration Act 1889.

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19. Subject to the provisions of this Act the Company may use and appropriate for and may construct a station or stations for generating electric power on the lands herein-after described (that is to say) :—

Power to use lands for generating stations.

Chiswick Depôt Certain lands yards buildings stables car sheds offices workshops and premises in the parish and urban district of Chiswick in the county of Middlesex situate on the north-west side of and adjoining the High Road Chiswick and now

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and for some years past in the occupation of the Company and known as their Chiswick Tramway Depôt;

Acton Depôt Certain lands yards buildings stables car sheds offices and premises in the parish of Acton in the county of Middlesex lying between and adjoining the Uxbridge Road and Gunnersbury Lane and now and for some time past in the occupation of the Company and known as their Acton Tramway Depôt:

And the Company may erect maintain and use thereon such buildings engines dynamos and other machinery apparatus works and conveniences as may be necessary or suitable for those purposes Provided that nothing in this Act shall empower the Company to construct a station for generating electric power on any lands other than those described in this section.

Purchase of lands by agreement.

20. In addition to the other lands which by this Act the Company are authorised to purchase and acquire they may purchase or acquire by agreement for the purposes of their undertaking and may hold any lands not exceeding five acres and they may on such lands and on any lands purchased or acquired under the authority of this Act erect or construct and hold carriage and engine houses shelters stables offices buildings and other conveniences (except stations for generating electricity) in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired by agreement under the powers of this section.

Restriction on taking houses of labouring class.

21. The Company shall not under the powers of this Act purchase or acquire in any parish in the administrative county of London twenty or more houses or in any other city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent in the case of the said county of London of the Secretary of State for the Home Department or in any other case of the Local Government Board twenty or more or (as the case may be) ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

The expression "labouring class" in this section means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except

members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them. A.D. 1898.

22. 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 required for the purposes of this Act (not being an easement right or privilege of water in which any persons other than parties to the agreement have an interest) 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. Power to owners to grant easements &c.

23. The tramways shall be constructed with two rails on the gauge of four feet eight and a half inches and the tramways shall be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the carriageway of the street or road along or across which the same is laid. Gauge and mode of formation of tramways.

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

25. The rails of the tramways shall be such as the Board of Trade may approve. As to rails of tramways.

26. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any street or road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority and of the surveyor of the county council as provided by section 26 of the said Act. Further provisions as to construction of tramways.

A.D. 1898.

Penalty for not maintaining rails and roads in proper order.

27. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act The tramways of the Company for the purposes of this section shall include any tramways purchased by the Company or taken on lease by them during the continuance of any such lease In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of roads.

28. If and whenever after the passing of this Act any road authority alters the level of any street or road along or across which any part of any tramway is laid or authorised to be laid by the Company the Company may and shall 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 street or road as altered.

Application of road materials excavated in construction of tramways.

29. Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the street or road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive

the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given by the Company such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

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30. The Company may subject to the provisions of this Act with the consent of the local and road authority make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any carriage or engine houses warehouses goods sheds stables or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the street or road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space intervenes shall by writing under their hand addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

Power to make additional crossings &c.

31. When by reason of the execution of any work affecting the surface or soil of any street or road along or across the carriage-way of which any of the tramways are or is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company shall within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor discontinue or take up such tramway or part of the tramway for such term as may be necessary for the execution of the said works Provided that the Company may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct on the same or any adjacent street or road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway in lieu of the part of the tramway so removed or discontinued.

Temporary tramways may be made when necessary.

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If any difference arises between the Company and the road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

Local authority to have access to sewers.

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

Period for compulsory purchase of lands.

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

Period for completion of tramways.

34. If the tramways are not completed within two years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for constructing the same or otherwise in relation thereto shall cease except as to so much thereof respectively as shall be then completed.

Penalty imposed unless tramways opened within time limited.

35. If the Company fail within the period limited by this Act to complete the tramways or any of them 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 said tramways are 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 uncompleted tramway or tramways 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 provided in the third section of the Railway and Canal Traffic Act 1854. 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

[61 & 62 Vict.] *London United Tramways Act, 1898.* [Ch. cclvi.]

be obtained from the Board of Trade that the Company was prevented from completing or opening any 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. A.D. 1898.

36. 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 any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the 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 if the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred 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 part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company. Application of penalty.

37. Sections 17 to 28 of the London United Tramways Order 1895 are hereby repealed except so far as they apply to tramways in the counties of London and Surrey. Repeal of existing provisions as to motive power.

38. The carriages used on the Middlesex tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):— Provisions as to motive power.

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade;

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- (2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the Middlesex tramways and for regulating the use of electric power ;
- (3) The Company or any other company or person using any mechanical power on the Middlesex tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof ;
- (4) The Board of Trade if they are of opinion—
- (a) That the Company or any other company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or
- (b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;
- may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company shall comply with every such order :

In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Power to
erect posts
&c.

39. The Company may make all such alterations of the existing portions of the Middlesex tramways or any part or parts thereof and may execute all such works on or in connexion therewith and in over or under the streets or roads in which the same are laid as may be necessary or expedient for adapting the Middlesex tramways to be worked by mechanical power as aforesaid and may lay down construct erect and maintain on in under or over the surface of any street road or place and may with the consent in writing of the owner and occupier of any house or building attach to such house or building such posts conductors wires tubes mains plates cables ropes and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the Middlesex tramways or for connecting any portions of the Middlesex tramways

or for providing access to or forming connexions with any generating station or other stations engines machinery or apparatus and all works to be executed by the Company in pursuance of the powers of this section shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned Provided always that the design of any posts erected under the powers of this section shall be subject to the reasonable approval of the local authority.

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40. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the Middlesex tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

Byelaws.

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the Middlesex tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the Middlesex tramways by exhibition of the same in conspicuous places on the carriages and elsewhere ;

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

41. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Recovery of penalties.

42. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations at which engines are to be driven or propelled on the Middlesex tramways under the authority of this Act but the local authority may if they think fit make byelaws under

Amendment of Tramways Act 1870 as to byelaws by local authority.

A.D. 1898. — the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.

Orders &c.
of Board
of Trade.

43. All orders regulations and byelaws made by the Board of Trade, under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

For pro-
tection of
Postmaster-
General.

44. In the event of the carriages used on the Middlesex tramways being moved by electrical power the following provisions shall have effect:—

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator;
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expenses of all such alterations in the telegraphic line of the Postmaster-General as may be necessary to remedy such injurious affection;
- (3) (a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to

time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(b) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration ;

- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues ;
- (5) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice ;
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work ;
- (7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section ;
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 ;
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32

A.D. 1898.

both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act;

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid;

(11) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on the Middlesex tramways.

For protection
of Kew
Observatory.

45. The whole circuit used for the carrying of the current to and from the carriages shall consist of conductors which are insulated along the whole of their length to the satisfaction in all respects of the Commissioners of Her Majesty's Works and Public Buildings and the said insulated conductors which carry the current to and from any carriage shall not at any place be separated from each other by a distance exceeding one hundredth part of the distance of either of the conductors at that place from Kew Observatory.

If in the opinion of the said Commissioners there are at any time reasonable grounds for assuming that by reason of the insulation or conductivity having ceased to be satisfactory a sensible magnetic field has been produced at the Observatory the Commissioners shall have the right of testing the insulation and conductivity upon giving notice to the Company who shall afford all necessary facilities to the engineer or officer of the Commissioners or other person appointed by them for the purpose and the Company shall forthwith take all such steps as shall in the opinion of the Commissioners be required for preventing the production of such field.

The Company shall furnish to the Commissioners all necessary particulars of the method of insulation proposed to be adopted and of the distances between the conductors which carry the current to and from the carriages.

Special
provisions
as to use
of electric
power.

46. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance;

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any

wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus ;

- (3) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking ;
- (4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents ;
- (5) If any difference arises between the Company and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be ;
- (6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return ;
- (7) The expression "Company" in this section shall include licencees and any person owning working or running carriages over any of the Middlesex tramways.

A.D. 1898.
Tolls on
tramways.

47. The Company may demand and take in respect of the tramways the tolls and charges which are by the Shepherd's Bush and Hammersmith Tramways Order 1881 authorised to be demanded and taken in respect of the tramways by that Order authorised as if the tramways had formed part of the tramways by that Order authorised and sections 25 to 30 of the said Order of 1881 and section 31 of the London United Tramways Order 1895 are incorporated with and form part of this Act and shall extend and apply to the tramways and the passengers using the same and the tolls to be taken for the use of the same as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto.

Agreements
with local
and road
authorities.

48. The Company on the one hand and the authorities having respectively the control or management or the duty of directing the repairs of the streets roads and places respectively in which the tramways or any of them or any parts or part thereof are or is laid on the other hand may enter into contracts or agreements with regard to the laying down altering maintaining renewing repairing working and using of the tramways and the rails plates sleepers ways and works connected therewith and for facilitating the passage of carriages and traffic over or along the same.

Sums paid
to district
councils to
be brought
into account.

49. All sums received from the Company or any persons on behalf of the Company by the district council of any district in the county of Middlesex through which the tramways of the Company are or may be constructed (other than contributions under this Act to the cost of widening streets or roads) shall be brought into account so far as such payments are made on account of maintenance of roads with the county council in reduction of the amount which the county council may from time to time contribute towards the maintenance and repair of the main roads within the districts of such district councils respectively :

Provided always that no payments made under this Act by the Company to the Chiswick Urban District Council solely in consideration of the postponement by the said council of the exercise of their powers to purchase the tramways situate within their district under the section of this Act of which the marginal note is "For protection of Chiswick Urban District Council" shall be brought into account under this section.

Provisions
as to arbi-
tration.

50. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the

[61 & 62 VICT.] *London United Tramways Act, 1898.* [Ch. cclvi.]

Arbitration Act 1839 or of any rules made thereunder shall apply in every such arbitration. . . . A.D. 1898.

51. Notwithstanding any provision in any Act or Provisional Order relating to any existing tramways of the Company the Conveyance of Mails Act 1893 shall extend and apply to all the tramways of the Company as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Company as the body or person owning or working such tramways. Conveyance of Mails Act 1893 to apply.

52. Nothing in this Act contained shall exempt 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 or charges authorised by this Act. Provision as to general Tramway Acts.

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

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