



## CHAPTER clxxvii.

An Act to repeal an Act of the seventh year of the reign of King George the Third, intituled "An Act for the more effectual repairing, widening, and rendering commodious the highways within the parish of Ealing in the county of Middlesex, and for lighting the street in Old Brentford within the said parish, from the turning towards Kew Bridge to a street called 'the Half Acre ;'" and to make other and better provisions instead thereof with respect to the highways in the parish of Ealing in the county of Middlesex. A.D. 1874.

[30th July 1874.]

**W**HEREAS by an Act passed in the session of Parliament held in the seventh year of the reign of His Majesty King George the Third, intituled "An Act for the more effectual repairing, widening, and rendering commodious the highways within the parish of Ealing in the county of Middlesex, and for lighting the street in Old Brentford within the said parish, from the turning towards Kew Bridge to a street called 'the Half Acre,'" (in this Act referred to as the Act of 1767), certain persons therein named and described, and their successors, to be elected in manner thereby prescribed, were appointed trustees (in this Act referred to as "the Trustees") for repairing, widening, and keeping in repair the highways within the parish of Ealing in the county of Middlesex, and for enlightening the said street in Old Brentford, and for putting the said Act in execution: 7 G. 3. c. 75.

And whereas for sanitary purposes the said parish of Ealing consisted until very recently of two districts, the one being an urban sanitary district under the Sanitary Acts as defined by the Public Health Act, 1872, and the other being a rural sanitary district within the meaning of the last-mentioned Act:

A.D. 1874.

— And whereas by a provisional order bearing date the first day of June one thousand eight hundred and seventy-four, and confirmed by “The Local Government Board’s Provisional Orders Confirmation Act, 1874 (No. 5),” it was ordered that from and after the twenty-ninth day of September one thousand eight hundred and seventy-four, all that part of the rural sanitary district of the Brentford union, which comprises (inter alia) that part of the parish of Ealing which was described in the schedule thereto, (and which is the part of the parish of Ealing which is not comprised in the district of the Local Board for the district of Ealing,) should be constituted an urban sanitary district within the meaning of “The Public Health Act, 1872,” and that such urban sanitary district should become a local government district, and be subject to the jurisdiction of a Local Board to be called the Local Board for the District of Brentford :

And whereas under the provisions of the Act of 1767 the Trustees continue to act as surveyors of highways within the whole of the said parish of Ealing, and exercise for such purpose within the whole of the said parish, the powers and authorities conferred upon them by the Act of 1767, notwithstanding that the whole of the said parish is comprised within two urban sanitary districts :

And whereas the provisions of the Act of 1767 are insufficient and unsuited to the present condition and circumstances of the said parish, and it is inconvenient that the Trustees should continue to act in execution of the said provisions :

And whereas it is expedient that the Trustees should cease to exist as such, and that the Act of 1767 should be repealed, and that instead thereof provisions should be made such as are in this Act contained :

And whereas an absolute majority of the whole number of the Local Board for the district of Ealing, at a meeting held on the ninth day of May one thousand eight hundred and seventy-three, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Middlesex County Times, a local newspaper published or circulating in the district of Ealing, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the rates :

And whereas such resolution was published twice in the said Middlesex County Times, a newspaper circulating in the district of Ealing, and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Local Board for the said district of Ealing at a further special meeting held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament :

A.D. 1874.

And whereas the owners and ratepayers of the district of Ealing, by resolution in the manner provided in the Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act :

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

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

1. This Act may be cited for all purposes as "The Ealing Highways Act, 1874." Short title.

2. This Act, except any provision thereof which is declared to take effect on the passing of this Act, shall commence and come into operation on the first day of August one thousand eight hundred and seventy-four. Commencement of Act.

3. From and after the time appointed for the commencement of this Act, the Act of 1767 shall be and the same is hereby repealed : Provided always, that the Trustees may (from time to time and at any time before the first day of November one thousand eight hundred and seventy-four, but not after that day,) recover any rate made by them before the time appointed for the commencement of this Act under the authority of the Act of 1767, and which is unpaid at the time appointed for the commencement of this Act, in the same manner in every respect as if this Act had not been passed, and the money so recovered shall be applied by the Trustees in the first instance in reimbursing themselves any expenses incurred by them, and in discharging any debts legally owing by them as such Trustees in the execution of the purposes of the Act of 1767, and the surplus (if any) shall be paid and applied in the following manner ; (that is to say,) first, in repayment, by payment to the treasurer of the Local Board, of the costs, charges, and expenses incurred and paid by the Local Board under this Act in defraying the costs, charges, and expenses of promoting and passing this Act, and in payment of the costs, charges, and expenses of the Trustees of and in relation to the passing of this Act ; secondly, in the manner

Repeal of  
7 G. 3, c. 75.

A.D. 1874. — following; (that is to say,) the balance (if any) after making thereout the aforesaid payments, shall be equally divided, and one moiety thereof shall be paid to the treasurer of the Local Board for the district of Ealing, and shall be carried to the district fund account, and applied by the Local Board in aid of their general district rate, and the other moiety thereof shall be paid to the treasurer of the Local Board for the district of Brentford, and shall be carried to the district fund account of such last-mentioned Local Board, and applied by such last-mentioned Local Board in aid of their general district rate.

Local Board  
for the  
district of  
Ealing  
within  
district to be  
surveyors of  
highways.

4. From and after the time appointed for the commencement of this Act the Local Board for the district of Ealing within the limits of their district shall, exclusively of any other person whatsoever, execute the office of and be surveyor of highways, and for such purpose shall have all the powers, authorities, duties, and liabilities which but for the provisions of the Act of 1767 would respectively have been vested in and might have been exercised by them, and to which they would have been subject by reason and in virtue of their being the Local Board for the district of Ealing under the provisions of the Sanitary Acts, as the same are defined by the Public Health Act, 1872; and the inhabitants of the said district shall not in respect of any property situate therein be liable to the payment of highway rates, or to any other payment not being a toll, in respect of making or repairing any roads or highways within any part of the district of the Local Board for the district of Brentford: Provided always, that within the district of the Local Board for the district of Brentford the Trustees may and they are hereby authorised to exercise all the powers of the Act of 1767 (other than the powers conferred thereby of making a rate) until the twenty-ninth day of September one thousand eight hundred and seventy-four.

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5. From and after the twenty-ninth day of September one thousand eight hundred and seventy-four the Local Board for the district of Brentford within the limits of their district shall, exclusively of any other persons whatsoever, execute the office of and be surveyors of highways, and for such purpose shall have all the powers, authorities, duties, and liabilities which, but for the provisions of the Act of 1767, would respectively have been vested in and might have been exercised by them, and to which they would have been subject by reason and in virtue of their being the Local Board for the district of Brentford under the provisions of the Sanitary Acts, as the same are defined by "The Public Health Act, 1872," and the inhabitants of the said last-mentioned district shall

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Local Board for the said district of Ealing at a further special meeting held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district of Ealing, by resolution in the manner provided in the Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act :

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

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

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2. This Act, except any provision thereof which is declared to take effect on the passing of this Act, shall commence and come into operation on the first day of August one thousand eight hundred and seventy-four. Commencement of Act.

3. From and after the time appointed for the commencement of this Act, the Act of 1767 shall be and the same is hereby repealed : Provided always, that the Trustees may (from time to time and at any time before the first day of November one thousand eight hundred and seventy-four, but not after that day,) recover any rate made by them before the time appointed for the commencement of this Act under the authority of the Act of 1767, and which is unpaid at the time appointed for the commencement of this Act, in the same manner in every respect as if this Act had not been passed, and the money so recovered shall be applied by the Trustees in the first instance in reimbursing themselves any expenses incurred by them, and in discharging any debts legally owing by them as such Trustees in the execution of the purposes of the Act of 1767, and the surplus (if any) shall be paid and applied in the following manner ; (that is to say,) first, in repayment, by payment to the treasurer of the Local Board, of the costs, charges, and expenses incurred and paid by the Local Board under this Act in defraying the costs, charges, and expenses of promoting and passing this Act, and in payment of the costs, charges, and expenses of the Trustees of and in relation to the passing of this Act ; secondly, in the manner

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following; (that is to say,) the balance (if any) after making thereout the aforesaid payments, shall be equally divided, and one moiety thereof shall be paid to the treasurer of the Local Board for the district of Ealing, and shall be carried to the district fund account, and applied by the Local Board in aid of their general district rate, and the other moiety thereof shall be paid to the treasurer of the Local Board for the district of Brentford, and shall be carried to the district fund account of such last-mentioned Local Board, and applied by such last-mentioned Local Board in aid of their general district rate.

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4. From and after the time appointed for the commencement of this Act the Local Board for the district of Ealing within the limits of their district shall, exclusively of any other person whatsoever, execute the office of and be surveyor of highways, and for such purpose shall have all the powers, authorities, duties, and liabilities which but for the provisions of the Act of 1767 would respectively have been vested in and might have been exercised by them, and to which they would have been subject by reason and in virtue of their being the Local Board for the district of Ealing under the provisions of the Sanitary Acts, as the same are defined by the Public Health Act, 1872; and the inhabitants of the said district shall not in respect of any property situate therein be liable to the payment of highway rates, or to any other payment not being a toll, in respect of making or repairing any roads or highways within any part of the district of the Local Board for the district of Brentford: Provided always, that within the district of the Local Board for the district of Brentford the Trustees may and they are hereby authorised to exercise all the powers of the Act of 1767 (other than the powers conferred thereby of making a rate) until the twenty-ninth day of September one thousand eight hundred and seventy-four.

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not, in respect of any property situate therein, be liable to the payment of highway rates, or to any other payment not being a toll, in respect of making or repairing any roads or highways within any part of the district of the Local Board for the district of Ealing. A.D. 1874.  
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6. Subject to the provisions of this Act, all the books, deeds, documents, and papers which immediately before the time appointed for the commencement of this Act were vested in the Trustees or to which they were in anywise entitled, and the benefit of all contracts and engagements entered into by or on behalf of the trustees and immediately before the time appointed for the commencement of this Act in force, shall be and the same are hereby vested in the Local Board for the district of Ealing to the same extent and for the same estate and interest as the same were previously vested in the Trustees, and may, according to the provisions of this Act, be held and enjoyed, sued for, and recovered by the Local Board for the district of Ealing as they think fit: Provided always, that the books, deeds, documents, and papers above mentioned shall be open to the inspection of the Local Board for the district of Brentford or any member or officer thereof, and of any ratepayer of the parish of Ealing during reasonable hours, without fee, upon giving to the clerk to the Local Board for the district of Ealing one day's notice in writing. Books and papers of Trustees to vest in Local Board.

7. All the goods, chattels, and other property and effects (if any) (except books, deeds, documents, and papers) which immediately before the time appointed for the commencement of this Act were vested in the Trustees, or to which they were in anywise entitled, shall, on or before the thirty-first day of August one thousand eight hundred and seventy-four, be sold by auction by the Trustees without reserve at some convenient place within the parish of Ealing, and the proceeds of such sale shall be applied in the same manner as the Trustees are by this Act authorised and directed to apply money recovered by them in respect of any rate made by them before the time appointed for the commencement of this Act, but remaining unpaid at that date. Other property of Trustees to be sold.

8. The Trustees shall be and are by this Act absolutely freed and released from all liabilities whatsoever under the Act of 1767 in relation to the repairing, widening, and rendering commodious the highways within the said parish of Ealing, and in relation to the lighting of the said street in Old Brentford, and in relation to all matters and things necessary or proper for the execution of the purposes of the Act of 1767. Trustees freed from liability under Act of 1767.

[Ch. clxxvii.] *The Ealing Highways Act*, 1874. [37 & 38 VICT.]

A.D. 1874.  
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Expenses of  
Act.

9. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, and of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to this Act, and all matters relating thereto, shall be paid by the Local Board for the district of Ealing out of any moneys in their hands at the passing of this Act, or out of the first moneys at their disposal.

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