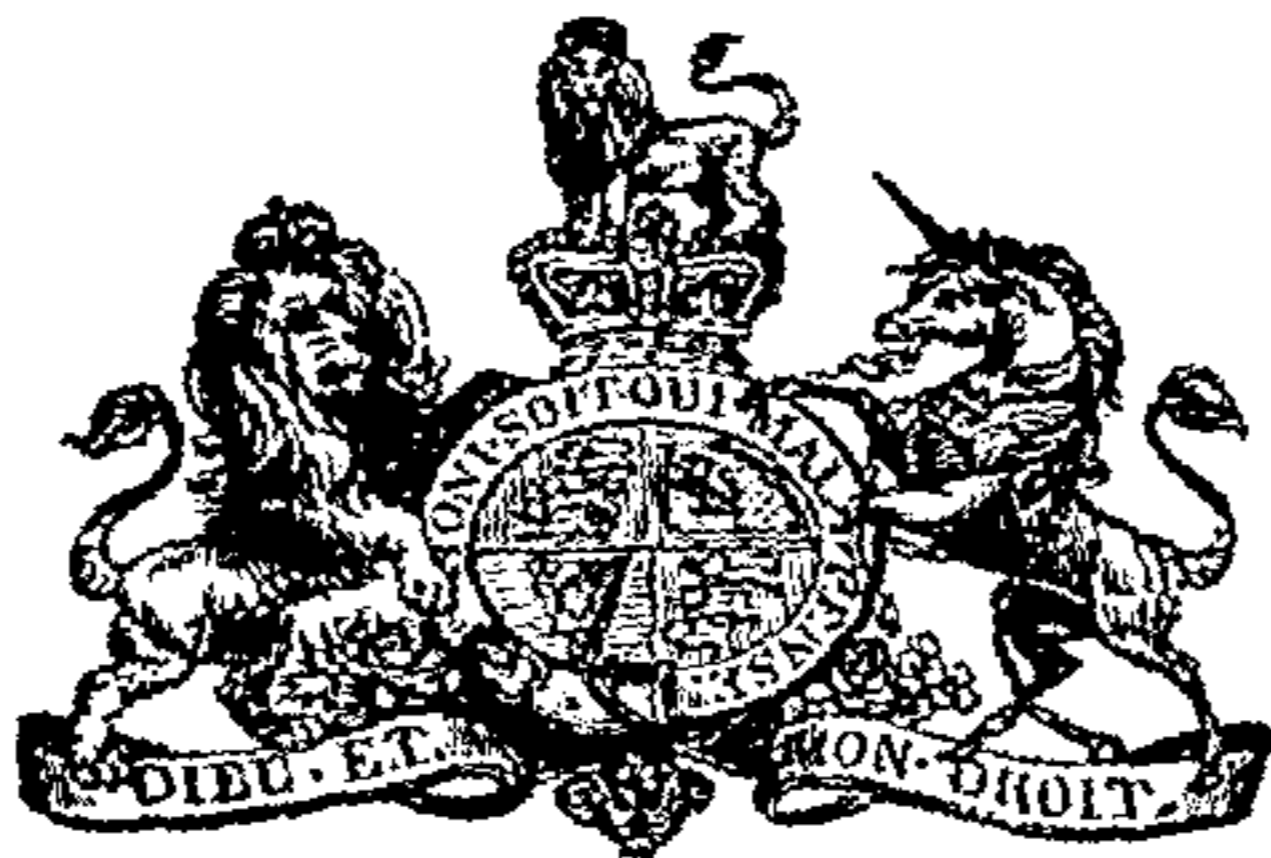


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Act, 1879.



CHAPTER ccvii.

An Act to authorise the construction of Street Tramways in Brentford and Isleworth in the county of Middlesex; and for other purposes. A.D. 1879.
[11th August 1879.]

WHEREAS the laying down of tramways in certain streets and roads in Brentford and Isleworth in the county of Middlesex, to be worked by animal power only, and constructed so as not to impede or injure the ordinary traffic of the roads, would be of local and public advantage :

And whereas it is expedient that the persons herein-after named, with others, should be incorporated into a company, and should be empowered to lay down and maintain the several tramways in this Act particularly described :

And whereas plans and sections showing the lines and levels of the tramways and works authorised by this Act, and also books of reference to these plans, were duly deposited with the clerk of the peace for the county of Middlesex, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes of this Act cannot be effected 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 as the Brentford and Isleworth Tramways Act, 1879. Short title.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) of the Companies Act, 1863, the Companies Clauses Act, 1869, the Lands Clauses Consolidation Act, 1845, except the provisions thereof with respect to the entry upon, purchase, and taking of lands otherwise
[Local.-207.] A 1 Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18

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than by agreement, the Lands Clauses Consolidation Acts Amendment Acts, 1860 and 1869, and section 3 (interpretation clause), and section 19 (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act, 1870, are incorporated with and form part of this Act, save where the same are expressly varied or excepted by this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the tramways" and "the undertaking" mean respectively the tramways and the undertaking by this Act authorised, or any part thereof; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partly incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; the word "contingencies" in the Companies Clauses Consolidation Act, 1845, section one hundred and twenty-two, shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act, 1870, section forty-three, at a less sum than the aggregate amount of the capital and debts of the Company.

4. Edwin Cox Nicholls and Septimus Francis Porter, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the tramways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Brentford and Isleworth Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

5. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain the tramways hereinafter described, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with

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those plans and sections, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are—

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A Tramway No. 1 (single line), 1 mile 8 chains, commencing at a point opposite and in a line with the west flank wall of a house, No. 37, on the south side of main road leading to Hounslow, the said wall being also the east side of Brentford End School, in the parish of Isleworth in the county of Middlesex, and thence continuing in a westerly direction on the Hounslow and Twickenham main roads to and terminating at a point in the said parish of Isleworth, in a line with the south flank wall of Gumley Terrace, on the west side of the Twickenham High Road:

Tramway No. 2 (single line), 3 chains 15 links, a passing-place, commencing at a point opposite and in a line with the north boundary wall of St. John's Road, leading to Spring Grove Station in the parish of Isleworth, and terminating at a point opposite and in a line with the south flank wall of Gumley Terrace, on the south side of the Twickenham High Road.

6. With respect to any notice required by section 32 of the Tramways Act, 1870, and to the delivery thereof by or to the Company, the following provisions shall have effect; namely,

Form and delivery of notices.

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

7. The Company may from time to time, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, enter into and carry into effect agreements for or with reference to use by any other company, corporation, or person of the tramways or any of them, or any part or parts thereof respectively, and the tolls, rates,

Authorising agreements for use of tramways. 26 & 27 Vict. c. 92. 36 & 37 Vict. c. 73.

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A.D. 1879. — and charges to be paid for such use, and the terms and conditions of such user, and all incidental matters, and in construing the said provisions for the aforesaid purposes "the tramways" shall be deemed to be substituted for "the railway."

Capital. **8.** The capital of the Company shall be ten thousand pounds, in one thousand shares of ten pounds each.

Shares not to issue until one-fifth part paid up. **9.** The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls. **10.** One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to divide shares. **11.** Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share": Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares. **12.** The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

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13. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any of the subsequent years, or out of any other funds of the Company.

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Dividends on preferred half shares to be paid out of the profits of the year only.

14. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion therefore: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Half shares to be registered and certificates issued.

15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated on certificates.

16. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Forfeiture of preferred half shares.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred half shares not to be cancelled, &c.

18. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person, shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and

Half shares to be half shares in capital.

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A.D. 1879. have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Receipt in case of persons not sui juris.

19. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

20. The Company may from time to time borrow on mortgage any sum not exceeding in the whole two thousand five hundred pounds, but no part thereof shall be borrowed until the whole capital of ten thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued *bonâ fide*, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to appointment of receiver.

21. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Mortgage to comprise purchase money paid on compulsory sale.

22. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section forty-three of the Tramways Act, 1870, and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement on deed as to future purchase of tramways by local authority.

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

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24. The Company shall not create debenture stock.

Company not
to create de-
benture stock.
Period for
completion
of works.

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

26. The Company may demand and take for every passenger travelling upon the tramways, or any part or parts thereof, including tolls for the use of the tramways, and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile; and in computing the said tolls and charges the fraction of a mile shall be deemed a mile; but in no case shall the Company be bound to charge a less sum than twopence.

Tolls for
passengers.

27. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof; provided that such luggage be carried by hand and at the responsibility of the passenger, and shall not occupy any part of the seat, nor be of a form or description to annoy or inconvenience other passengers.

Passengers
luggage.

28. The Company may demand and take tolls and rates of charge for small parcels conveyed on the tramways not exceeding the following:

Tolls for
small parcels.

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, ninepence:

For any parcel exceeding fifty-six pounds in weight, such sum as the Company may think fit.

29. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least one carriage each way every morning in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient, for artizans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company, nevertheless, not being required

Cheap fares
for labouring
classes.

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Company not to carry animals, goods, &c.

30. The Company shall not carry any animals, goods, articles, or things other than passengers luggage not exceeding the weight in this Act in that behalf mentioned and small parcels.

List of tolls, &c. to be exhibited inside and outside carriages.

31. A list of all the tolls and charges authorised by this Act to be taken, and which shall be exacted by the Company, shall be exhibited in a conspicuous place inside and outside of each of the carriages used by the Company upon any of their tramways.

Tolls to be paid as directed by the Company.

32. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways, and in such manner and under such regulations as the Company shall by notice to be annexed to the list of tolls appoint.

Notice of byelaws to be given.

33. Notice of the making of any byelaw under the provisions of this Act shall be published by the Company by advertisement to be inserted once in each of two successive weeks in some newspaper published in the county of Middlesex, and once in the London Gazette.

Application of moneys.

34. All moneys raised under this Act, whether by shares or borrowing, shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

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

Number of directors.

36. The number of directors shall be three.

Qualification of directors.

37. The qualification of a director shall be the possession in his own right of not less than forty shares.

Quorum of directors.

38. The quorum of a meeting of directors shall be two.

Election of directors.

39. Edwin Cox Nicholls and Septimus Francis Porter, and one other qualified person nominated by them and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for

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re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. A.D. 1879

40. The Company may from time to time purchase and acquire (by agreement) such land as they may require for their undertaking, not exceeding in the whole two acres. Purchase of land by agreement.

41. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of 967*l.*, equal to five per centum upon the amount of the estimate in respect of the tramways, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as the deposit fund): Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors, or survivor are or is in this Act referred to as the depositors), unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers, then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised, the Court shall, on the application of the depositors, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade shall, if signed by the Secretary or an Assistant Secretary of that Board, be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding. Deposit money not to be repaid except so far as tramways opened.

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Application
of deposit
fund.

42. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete and open the same for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways, or any portion thereof, 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 Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation shall be payable, or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on application of the depositors.

Gauge of
tramway.

43. The tramway to be made, formed, or laid down under this Act shall be constructed on the gauge of four feet eight inches and a half an inch, and shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

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44. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of any tramway is laid, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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Tramways to be kept level with surface of road.

45. The Company may use on their tramways carriages with flange wheels or wheels suitable only to run on a grooved rail, and, subject to the provisions of this Act, the Company shall have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail. All carriages used on any tramway may be moved by animal power only. No carriages used on any tramway of the Company shall extend beyond the outer edge of the wheels of such carriage more than eight inches on each side.

Power for Company to use tramways with flange-wheeled carriages, &c.

46. 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 twenty-eight 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 fifty-six of the said Act.

Penalty for not keeping rails and roads in repair, &c.

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

Sewer authority to have access to sewers.

48. The Board of Trade may from time to time, upon the application of the local authority or road authority, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security to the public and advantage to the ordinary traffic, and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Company may be required by Board of Trade to adopt improvements.

49. The Company may, subject to the provisions of this Act, with the consent of the local authority and road authority, from time to time make, maintain, alter, and remove such crossings,

Power to make additional crossings, &c.

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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 warehouses, stables, or carriage-houses 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 road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the Company, express their objection thereto.

Application
of road
materials
excavated in
construction
of works.

50. Any paving, metalling, or material excavated by the Company in the construction of the undertaking 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 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 for the time being 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, such surplus is not removed by such surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority, or surveyors, or other person, with reference to any of the matters aforesaid, shall be determined in manner provided by the Tramways Act, 1870, with respect to difference between the promoters and any road authority.

Interest not
to be paid on
calls paid up.

51. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the

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amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

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52. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Company shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and 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, and 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 for the time being of the road authority as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

Further provisions as to construction of tramways.

53. The rails of the tramways shall be such as the Board of Trade may approve.

As to rails of tramways.

54. The Board of Trade may from time to time, upon the application of the road authority, require the Company to adopt and apply such improvements in the tramway, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Company may be required by Board of Trade to adopt improvements.

55. 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 which any of the tramways for the time being consist, and the substructure upon which the same rest, and if the Company at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

Penalty for not maintaining rails and road in good condition.

[Ch. ccvii.] *Brentford and Isleworth Tramways* [42 & 43 VICT.]
Act, 1879.

A.D. 1879.

Power to
Board of
Trade to
inquire as
to mainte-
nance of rails
and roads.

56. In any case in which 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 the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870; the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section 63 of the Tramways Act; 1870, and if the Board of Trade shall certify under the hand of a Secretary or Assistant Secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Company shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Periodical
revision of
tolls.

57. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

[42 & 43 VICT.] *Brentford and Isleworth Tramways* [Ch. ccvii.]
Act, 1879.

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

A.D. 1879.
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Deposits for future Bills not to be paid out of capital.

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

Company not exempt from provisions of present or future general Tramway Acts.

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

Expenses of Act.