CHAPTER cxxxi.

An Act to authorise the construction of a Railway in extension of the Metropolitan District Railway to Hammersmith. A.D. 1873.

[7th July 1873.]

WHEREAS the extension of the Metropolitan District Railway to Hammersmith by the construction of the railway by this Act authorised would be attended with local and public advantage, and the persons herein-after named, with others, are willing to construct the said railway:

And whereas plans and sections, showing the line and levels of the railway authorised by this Act, and also books of reference, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, 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 it is expedient that the Company incorporated by this Act and the Metropolitan District Railway Company be empowered to enter into agreements for the working of the proposed railway, and that the agreement, whereof a copy is set forth in the schedule to this Act, be confirmed:

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:

Short title.

1. This Act may be cited as the Hammersmith Extension Railway Act, 1873.

Provisions of Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III.

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(relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," shall (except where expressly varied by this Act) be incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless 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 railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised; and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

As to terms "parish clerks," &c.

4. The expression "parish clerks" and "clerks of the several parishes" in sections 7, 8, and 9 of "The Railways Clauses Consolidation Act, 1845," shall, with reference to the Company and as regards those parishes in which by the standing orders of either House of Parliament plans, sections, and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish is included, mean in the first case the vestry clerk of that parish and in the second case the clerk of the district board respectively.

Incorporation of Company.

5. Arthur Pratt Barlow, Wollaston Frank Pym, Hutton Vignolles, 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 railway and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the Hammersmith Extension Railway 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, and their undertaking shall be called "The Hammersmith Extension Railway."

Power to make railway according to deposited plans.

6. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act will be wholly situate in Middlesex, and is,—

A railway 1 mile 7 chains and 10 links in length, commencing by a junction with the Metropolitan District Railway in the parish of St. Mary Abbott, Kensington, and terminating at the Broadway, Hammersmith.

Capital.

7. The capital of the Company shall be two hundred and forty-four thousand four hundred and forty-four pounds, to be issued as stock, and which stock when issued and subscribed for shall be paid up in full; and the eleven thousand pounds to be paid to the Company under the agreement set forth in the schedule to this Act shall be applied in payment of the half-yearly sum of two pounds and five shillings per centum upon the said stock of two hundred and forty-four thousand four hundred and forty-four pounds.

Receipts of persons not sui juris.

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

Application of moneys.

9. All moneys raised under this Act shall be applied for the purposes of this Act only.

First ordinary meeting.

10. The first ordinary meeting of the Company shall be held within eight months after the passing of this Act.

Quorum of general meetings.

11. The quorum of general meetings of the Company shall be five stockholders present personally or by proxy, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Number of directors.

12. The number of directors shall be three.

Qualification of directors.

13. The qualification of a director shall be the possession in his right of not less than one thousand pounds in the capital stock of the Company.

Quorum.

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

First directors.

15. Arthur Pratt Barlow, Wollaston Frank Pym, and Hutton Vignolles shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the

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Election of directors.

passing of this Act. At that meeting the stockholders present in person or by proxy may either continue in office the directors appointed by this Act 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 being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the stockholders 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 resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Powers for compulsory purchases limited.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Company empowered to underpin or otherwise strengthen houses.

17. And whereas, in order to avoid injury to the houses and buildings within one hundred feet of the railway, it may be necessary to underpin or otherwise strengthen the same: Therefore the Company may, at their own costs and charges, underpin or otherwise strengthen any such house or building: Provided that at least ten days notice shall (unless in case of emergency) be given to the owner, lessee, and occupier of the house or building intended to be underpinned or otherwise strengthened (each such notice to be left on the premises), and that the Company shall be liable to compensate the owner, lessee, and occupier of every such house or building for any inconvenience, loss, or damage which may result to them by reason of the exercise of the powers granted by this enactment: Provided also, that if the owner, lessee, or occupier of any such house or building shall give, within seven days after that notice, counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be referred to an engineer to be agreed upon, or in case of difference to a civil engineer to be appointed at the instance of either party by the Board of Trade, and such referee shall forthwith, upon the application of either party, proceed to inspect such house or building and determine the matter referred to him, and in the event of his deciding that such underpinning or strengthening is necessary he may in his discretion prescribe the mode in which the same shall be executed, and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building, and the cost of such referee shall be paid by the Company,

and the cost of the reference (other than the cost of the referee) shall be in the discretion of the referee: Provided that nothing in this enactment contained, nor any dealing with the property in pursuance of this enactment, shall relieve the Company from the liability to compensation under the sixty-eighth section of "The Lands Clauses Consolidation Act, 1845," or under any other Act: Provided also, that every case of compensation to be ascertained under this Act shall be ascertained according to the provisions contained in "The Lands Clauses Consolidation Act, 1845:" Provided also, that nothing in this section contained shall repeal or affect the ninety-second section of "The Lands Clauses Consolidation Act, 1845."

Notice to be given of taking houses of labouring classes.

18. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Power to deviate from levels of sections.

19. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained to the contrary, it shall be lawful for the Company in the construction of the railway to deviate from the levels and gradients as marked upon the deposited sections to such an extent as may be found necessary or convenient for avoiding, accommodating, preserving, or improving the drainage or sewers or other existing works in or under the streets through which the railway will be made.

All works affecting water and gas companies to be executed to satisfaction of their engineer.

20. All works, matters, or things which, under the provisions of "The Railways Clauses Consolidation Act, 1845," or this Act, the Company may be empowered or required to do or execute with reference to the mains, pipes, syphons, plugs, or other works of any water or gas company respectively shall be done and executed by and at the cost of the Company, but to the entire satisfaction and under the sole direction of, and in such manner as shall be required by the engineer for the time being of the Company to whom such mains, pipes, syphons, plugs, and other works shall belong, and such works, matters, or other things shall not be commenced until after fourteen days previous notice thereof in writing shall have been given to the companies to whom such mains, pipes, syphons, plugs, and other works shall respectively belong.

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Penalty for interrupting the supply of water or gas.

21. If any interruption whatsoever in the supply of water or gas by any company shall be in any way occasioned by the Company or by the act or acts of any of their contractors, agents, workmen, or servants, or any person in the employ of them or any or either of them, the Company shall forfeit and pay to such of the companies whose supply shall have been so interrupted for the use and benefit of such company the sum of ten pounds for every day during which such interruption shall continue, such sum to be recovered by such company in any court of competent jurisdiction.

Repairs of pipes to be borne by Company in certain cases.

22. Provided always, that the expense of all repairs or renewals of the said pipes or mains or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Company, their contractors, agents, workmen, or servants, or any person in the employ of them or any or either of them, shall be borne and paid by the said last-mentioned Company, and may be recovered against them by the respective water and gas companies, as the case may be, in any court of competent jurisdiction.

As to bridges under streets.

23. All bridges constructed by the Company for carrying any public road or street over the railway shall be constructed so as not to lessen the present clear width of such road or street, including the footway, and in no case shall any such bridge be of less width between the parapets thereof than 40 feet measured on the square; and every such bridge shall be so covered as to prevent, as far as may be practicable, the escape of steam, smoke, or other offensive effluvia into the said roads and streets; and such bridges shall be so constructed, as far as may be practicable, so as to deaden the sound of engines, carriages, and traffic passing underneath them; and the Company shall not execute or commence the erection of any such bridges or works as aforesaid until they shall have given to the Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the said board with plans, elevations, sections, and other necessary particulars of the construction of the said bridges, and until the said board shall have signified their approval of the same, unless the said board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid, and the Company shall comply with and conform to all reasonable directions and regulations of the said board in the execution and subsequent maintenance of the said bridges and works connected therewith, and shall save harmless the said board against all and every expense to be occasioned

thereby, and all such works, so far as the public convenience is concerned, shall be done to the reasonable satisfaction of the engineer or other officer or officers of the said board, at the costs, charges, and expenses in all respects of the Company, and all costs, charges, and expenses which the said board may be put to by reason of the works of the Company, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to the said board by the Company on demand.

For protection of sewers of Metropolitan Board of Works and of vestries and district boards.

24. Where any of the intended works to be done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as to interfere with any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Metropolitan Board of Works, or of any district board or vestry constituted under "The Metropolis Management Act, 1855," "The Metropolis Management Amendment Act, 1862," or any Act or Acts amending the same or extending the powers thereof, or with any sewers or works to be made or executed by the said Metropolitan Board, district board, or vestry, or either of them, or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control, the Company shall not commence such works until they shall have given to the said Metropolitan Board or to the district board or vestry, as the case may be, twenty-one days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry, as the case may be, for the time being, with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto, and until such board or vestry respectively shall have signified their approval of the same, unless such board or vestry, as the case may be, do not signify their approval, disapproval, or other directions within twenty-one days after service of the said plan, section, and particulars as aforesaid, and the Company shall comply with and conform to all orders, directions, and regulations of the said Metropolitan Board and of the respective district boards or vestries in the execution of the said works, and shall provide, by new, altered, or substituted works, in such manner as such boards or vestries shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the said intended works or any part thereof, and shall save harmless the said Metropolitan Board, district board, and vestry respectively against all and every the expense to be occasioned thereby, and all such works shall be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Metropolitan Board, district board, or vestry, as the case may be, at the costs, charges,

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and expenses in all respects of the Company, and all costs, charges, and expenses which the said Metropolitan Board or any district board or vestry may be put to by reason of the works of the Company, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to such board or vestry by the Company on demand, and when any new, altered, or substituted works as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said Metropolitan Board, district board, and vestry respectively, as the case may be, as any sewers or works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the rights, powers, or authorities vested or to be vested in the said Metropolitan Board, district boards, and vestries, or any or either of them, or of their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

Local rates to be made good.

25. If and while the Company are possessed under this Act of any lands assessed or liable to be assessed to any sewers rate, general rate, poor rate, main drainage rate, church rate, or other parochial rate, they shall from time to time until the railway is completed and assessed or liable to be assessed be liable to make good the deficiency in the assessment for such rates by reason of those lands being taken or used for the purposes of the railway, and the deficiency shall be computed according to the rental at which those lands with any buildings thereon are now rated.

North End Lane not to be stopped up.

26. Nothing in this Act contained shall authorise the Company to stop up North End Lane, being a road numbered upon the deposited plans 65 in the parish of Saint Paul, Hammersmith, and 54 in the parish of Fulham; and if such road be carried over the railway by a bridge, the width of such bridge in the clear between the parapets thereof shall be not less than forty feet measured on the square.

For protection of the Fulham District board of works.

27. All works done or executed under the powers of this Act in the parishes of Saint Peter and Saint Paul, Hammersmith, and Fulham (herein called the Fulham District) respectively shall, as between the Company and the board of works for the Fulham District (herein called the "Fulham District board"), be subject to the following provisions:

(1.) Before the Company shall break up any public road or street within the Fulham District they shall give to the Fulham

District board notice thereof in writing, and such notice shall be delivered at the office of the said board not less than fourteen days before commencing the works:

(2.) No such road or street shall be broken up or opened except to the reasonable satisfaction of the said board:

(3.) Before the Company shall commence any works in the Fulham District, which works shall cause any temporary diversion of any public foot or carriage way, or which shall cause any obstruction or inconvenience to traffic, such obstruction or diversion shall be approved of by the Fulham District board, and the Company shall, before commencing any such works, at their own expense make temporary bridges for the passage of traffic at all such places as the Fulham District board shall in writing require:

(4.) The Company shall, within six months after any part of any public road or street within the Fulham District shall have been first broken up, fill up and restore in a well-rammed and workmanlike manner, and to the reasonable satisfaction of the Fulham District board, the roadway of such portion of the said roads or streets as shall be so broken up, and the footways thereof, to a good state and condition, and the Company shall also at their own expense keep and maintain the said roads, streets, and footways in good and substantial repair in every respect to the reasonable satisfaction of the Fulham District board for twelve months next after the same shall have been so restored as aforesaid:

(5.) The Company shall at their own expense during the construction of the railway at all times fence and guard, and at night cause to be lighted and watched, any public road or street or any sewer or drain opened or broken up by them in the Fulham District:

(6.) All arches or bridges which the Company shall construct for carrying any public carriage road within the Fulham District over the railway shall not be less than forty feet wide in the carriageway and footpaths, and the bridges shall be constructed with iron girders or in brickwork:

(7.) The carriageway over the said bridges and for a distance of fifty feet on each side shall be made and coated with macadam, and the footways over the bridges and for a distance of fifty feet on each side of the bridge shall be paved with three inch York stone or such other material of the like character as may be approved of by the Fulham District board, and be curbed with granite curb to the reasonable satisfaction

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of the Fulham District board, and shall be so made and paved by the Company and maintained in good repair at their expense to the satisfaction of the Fulham District board for twelve months after restoration or completion:

(8.) No station or building shall, without the consent of the Fulham District board, be erected within sixty feet of the existing frontages of the three following places; that is to say, the Broadway, King Street East, and Queen Street, Hammersmith, except a passenger station of a permanent character, with necessary conveniences for passengers and their luggage, and a receiving office for parcels; and the space, if any, between the station and the line of the above-named streets shall be paved to the reasonable satisfaction of the Fulham District board:

(9.) The flanks or parts of any houses fronting the said three places which may be removed wholly or partially or altered shall be well and sufficiently restored or built up in a workmanlike manner to prevent any unsightly appearance:

(10.) The Company shall not place or allow to be placed on the outside of any station in the Fulham District any notice board or placard, except those relating to the business of the Company:

(11.) If the Company acquire the houses shown upon the deposited plans fronting King Street East they shall, if required by the Fulham District board so to do within six months after the Company have so purchased the same, sell and convey to the Fulham District board so much of the land occupied by those houses as will suffice to enable the Fulham District board to widen the said street and to make it sixty feet wide, and the price to be paid by the Fulham District board to the Company shall be the estimated value of the land as vacant or unoccupied ground exclusive of any building thereon or any goodwill in respect of the use of any such building:

(12.) While the Company are possessed, under the authority of this Act, of any lands, houses, buildings, or other property assessed or liable to be assessed to any district general or special rate, and until any works to be constructed in the Fulham District are so far completed as to be assessed or liable to be assessed to any amount equal to or greater than the aggregate of the gross rateable value of the said lands, houses, buildings, and property in the last rate made under any precept issued by the Fulham District board, the Company shall be liable to make good the deficiency in the assess-

ments by reason of such lands, houses, buildings, or other property being taken or used by them, and the deficiency shall be computed according to the rental at which such lands, buildings, and property are now rated under the last precept issued by the Fulham District board :

(13.) All works affecting any public road or sewer under the jurisdiction of the Fulham District board shall be executed and done to the reasonable satisfaction of the Fulham District board and at the costs, charges, and expenses of the Company, and the costs, charges, and expenses of the Fulham District Board occasioned by any act or proceedings of the Company shall be defrayed by Company :

(14.) Any difference which may arise between the Company and the Fulham District board under this enactment shall be from time to time referred to and determined by an arbitrator to be appointed, on the application of either party, by the Board of Trade, and the costs of the arbitration shall be in the discretion of the arbitrator.

For protection of the receiver for the Metropolitan Police District.

28. Nothing in this Act or in any of the Acts wholly or partially incorporated with this Act contained shall take away, diminish, prejudice, or affect any of the estates, rights, privileges, or powers vested in the receiver for the Metropolitan Police District (hereinafter referred to as "the receiver"), or authorise or be construed to authorise the Company to enter upon, take, use, or in any manner interfere with any lands, tenements, or hereditaments belonging to the receiver in right of his office without the consent in writing of the receiver under his official seal, and which consent the receiver is hereby authorised to give upon and subject to such terms, restrictions, and conditions as he may prescribe.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

29. 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 ten thousand one hundred and thirty-seven pounds six shillings and sixpence three per cent. Consolidated Bank Annuities, being equal to five per centum upon the amount of the estimate in respect of the railway, has been transferred to the account of Her Majesty's Paymaster-General on behalf of the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that notwithstanding anything contained in the said Act, the said sum so transferred as aforesaid in respect of the application for this Act 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

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or survivor of them, unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway either open the railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of stock, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers or given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so 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.

Application of deposit.

30. The said sum of money transferred 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 railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Coupany by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England 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 court, 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 said sum of money has been repaid to the depositors or has 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 the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of railway.

31. If the railway be not completed within four years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

32. The Company may demand and take for the use of the railway or of any part of the railway, and for the supply of carriages, waggons, or trucks, and locomotive power, any tolls not exceeding the following; (that is to say,)

For every passenger conveyed in or upon a first-class carriage, fourpence:

For every passenger conveyed in or upon a second-class carriage, threepence:

For every passenger conveyed in or upon a third-class carriage, twopence:

For parcels not exceeding seven pounds in weight, threepence;

For parcels exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence:

For parcels exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence:

For parcels exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence:

For parcels or goods exceeding fifty-six pounds in weight, and for any animals, such sum as the Company think fit.

Passengers luggage.

33. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Restrictions as to charges not to apply to special trains.

34. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed

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from time to time by the Company for the conveyance of passengers and goods upon the railway.

Power to enter into working agreement with the Metropolitan District Railway Company.

35. The Company on the one hand and the Metropolitan District Railway Company on the other hand may, subject to the provisions of this Act, from time to time enter into and make any contract or agreement with respect to all or any of the following matters; (that is to say,)

The use and working of the railway:

The conveyance, conduct, and management of traffic upon or over the railway:

The supply of any rolling or working stock required for working the traffic of the Company:

The forwarding, interchange, transmission, collection, delivery, and general conduct of traffic:

The maintenance and repair of the railway:

The apportionment and payment of the costs and expenses of such working, maintenance, and repair:

The fixing, collecting, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of traffic.

Confirmation of agreement in schedule.

36. The agreement, a copy of which is contained in the schedule to this Act, is hereby confirmed and made binding upon the parties thereto.

Interest on calls not to be paid out of capital.

37. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any stockholder on the amount of the calls made in respect of the stock held by him; but nothing in this Act shall prevent the Company from paying to any stockholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

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

38. 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 railway or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

39. Nothing in this Act contained shall exempt the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, 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 fares and charges or of the rates for small parcels authorised by this Act.

Expenses of Act.

40. 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.

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SCHEDULE referred to in the foregoing Act.

Agreement between the Metropolitan District Railway Company (herein called the District Company) of the one part, and Arthur Pratt Barlow, Wollaston Frank Pym, and Hutton Vignolles, Esquires, the promoters and directors named in the Hammersmith Extension Railway Bill now pending in Parliament (herein called the Hammersmith Company) of the other part.

It is mutually agreed between the District Company and the Hammersmith Company as follows:

1. That in case the said Bill shall pass into an Act authorising the construction of the Hammersmith Extension Railway the Company incorporated thereby shall construct at their own cost, to the reasonable satisfaction of the engineer for the time being of the District Company as a double line of railway on the narrow gauge, with proper junctions, stations, sidings, signals, electric telegraph, and all other matters necessary or usually incident to the construction and completion of similar lines of railway, the railway authorised by the proposed Hammersmith Extension Railway Act.

2. The land requisite for the construction of the line and works shall be provided by the Hammersmith Company at their own cost, and the Hammersmith Company shall be at liberty to sell any superfluous lands and appropriate the money towards reducing the expenses of the acquisition of the land.

3. The railway and works to be constructed as aforesaid shall, as from the certificate of the Board of Trade of the completion thereof fit for opening for public traffic, be for ever hereafter exclusively worked and managed by the District Company as efficiently as if it were part of their own system, with through booking and through trains, and the traffic thereon, and the tolls, rates, and charges in respect thereof, be fixed, regulated, and received by the District Company, who shall at all times thereafter at their own cost maintain the same (except for the first year, during which the line shall be maintained at the cost of the Hammersmith Company) in good condition and repair, and shall make all additions or improvements to or in the works thereon in their own discretion and at their own cost, and observe and discharge all liabilities and damages under the special Act of the Hammersmith Company, or otherwise in reference to the working and maintaining the said railway and works, and shall at all times at their own cost discharge, pay, and keep the Hammersmith Company indemnified against all charges and outgoings of every description in relation thereto.

4. The District Company shall, out of the gross receipts arising from all traffic passing over the railway or passing over the railway and the District

Railway, pay to the Hammersmith Company the sum of 11,000*l.* per annum, clear of all deduction, by half-yearly payments on the 15th day of April and the 15th day of October in each year, the first of which payments shall be made (or a proportionate part thereof in case the line shall not have been opened and at work for full six months) on the first of the said half-yearly days which shall happen after the first opening and working of the same, and shall retain the residue of such receipts to their own use.

5. All questions and differences which may arise under this agreement shall be determined by a standing arbitrator who shall be named by the two Companies in the month of January in each year, or, failing such nomination, by the Board of Trade on the application of either Company in the month of February; and all such clauses of the several Acts of Parliament for the time being in force with regard to railways as shall relate to the settlement of disputes by arbitration shall, so far as applicable and except as herein otherwise provided, be deemed incorporated with this agreement.

Dated this 12th day of June 1873.

Seal of the Metropolitan District Rail way Company.

Arthur Pratt Barlow. (L.S.)
Wollaston F. Pym. (L.S.)
Hutton Vignoles. (L.S.)

Signed, sealed, and delivered by Arthur Pratt Barlow and Wollaston Frank Pym in the presence of

John Reid,
Clerk to Messrs. Baxter, Rose, Norton, & Co.,
6, Victoria Street, Westminster.

Signed, sealed, and delivered by Hutton Vignoles in the presence of

Wm. John Stent,
Clerk to Messrs. Hargrove, Fowler, & Blunt,
3, Victoria Street, Westminster.

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