CHAPTER clxxxvii.

An Act for incorporating the Harrow and Rickmansworth Railway Company, and authorising them to make and maintain the Harrow and Rickmansworth Railway; and for other purposes. [7th August 1874.]

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WHEREAS the making and maintaining of a railway from the London and Aylesbury Railway at Rickmansworth, in the county of Hertford, to Harrow-on-the-Hill, in the county of Middlesex, as by this Act authorised, would be of public and local advantage:

And whereas the persons in that behalf in this Act named, with others, are willing at their own expense to carry the undertaking into execution if authorised so to do, and are desirous of being incorporated into a company for the purpose:

And whereas it is expedient that working and other agreements between the Company on the one hand, and the London and Aylesbury Railway Company, and the Metropolitan and Saint John's Wood Railway Company, and the Metropolitan Railway Company, or any or either of those companies, on the other hand, be authorised as by this Act provided:

And whereas plans and sections of the proposed railway, showing the lines and levels thereof, and the lands which may be taken for the purposes of this Act, and also books of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the respective clerks of the peace for the counties of Hertford and Middlesex, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the objects 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

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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 for all purposes as "The Harrow and Rickmansworth Railway Act, 1874."

Provisions of certain general Acts incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) and Part III. (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 construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) 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 for the purposes of this Act, 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.

Company incorporated.

4. The Most Noble Richard Plantagenet Campbell Temple Nugent Brydges Chandos Grenville Duke of Buckingham and Chandos, the Right Honourable William George Cavendish Baron Chesham, Francis Rummens, John Weall, William Marsden Hind, clerk, 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, to be called "The Harrow and Rickmansworth Railway," and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Harrow and Rickmansworth 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.

Power to make railway according to deposited plans.

5. 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 is—

A railway seven miles three furlongs and nine yards in length, commencing in the parish of Rickmansworth, in the county of Hertford, by a junction with the railway No. 2 authorised by "The London and Aylesbury Railway Act, 1871," and terminating in the parish of Harrow-on-the-Hill, in the county of Middlesex, on the south side of the public road from Harrow to Pinner, near the Roxborough Tavern.

Capital, and number and amount of shares.

6. The capital of the Company shall be one hundred and fifty thousand pounds, in seven thousand five hundred shares of twenty pounds each.

Shares not to issue until one fifth paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any 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.

8. One fifth of the amount of a share shall be the greatest amount of a call, and two months at the least shall intervene 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.

Receipt clause in case of persons not sui juris.

9. 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 divide shares.

10. 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;" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty

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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.

11. 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.

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

12. 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 subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

13. 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 number of 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 thereof; but 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 such certificate is destroyed or lost, and on any such certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

14. 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.

Forfeiture of preferred shares.

15. 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 created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors, 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.

Preferred shares not to be cancelled or surrendered.

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

Half shares to be half shares in capital.

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

Power to borrow on mortgage.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole fifty thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred and fifty 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.

Arrears may be enforced by appointment of a receiver.

19. 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; and in order to

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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 five thousand pounds in the whole.

Power to create debenture stock.

20. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

21. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First and subsequent meetings.

22. The first ordinary meeting of the Company shall be held within twelve months next after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year, in the months of February or March, and August or September, as the directors may appoint.

Number of directors.

23. The number of the directors shall be five.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum of directors.

25. The quorum of a meeting of directors shall be three.

First directors.

26. The Most Noble Richard Plantagenet Campbell Temple Nugent Brydges Chandos Grenville Duke of Buckingham and Chandos, the Right Honourable William George Cavendish Baron Chesham, Francis Rummens, John Weall, and William Marsden Hind, clerk, 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 any of them, or may elect a new body of directors, or directors to supply the places 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 shareholders present personally 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.

Lands for extraordinary purposes.

27. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed two acres.

Period for compulsory purchase of lands.

28. 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 three years from the passing of this Act.

Power to cross a certain road on the level.

29. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line of railway only, whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the road next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
13 c	Rickmansworth - -	Public road.

Inclination of road.

30. In altering, for the purposes of this Act, the road next herein-after mentioned, the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith; (that is to say,)

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
13	Ruislip -	Public road -	1 in 14 on one side and level on the other.

Width of certain roadways.

31. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on Plan.	Parish.	Description of Road.	Width of Roadway.
6	Watford -	Public road -	20 feet.
70	Rickmansworth -	Public road -	20 feet.

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For protection of Grand Junction Canal Company.

32. And whereas in the parish of Rickmansworth, in the county of Hertford, the railway is intended to be carried across the Grand Junction Canal, and across a navigable portion of the river Chess, commonly known as "Salter's Cut," in proximity to the point where the same locks down into the said canal, and also across a navigable cut leading from the said canal to Taylor's Wharf, and also across certain meadow lands and watercourses belonging to the Company of Proprietors of the Grand Junction Canal, herein-after called "the Canal Company," and it is expedient, with the view of preventing injury or obstruction to the said canal and to the traffic thereon, that the following provisions should be made in respect thereto: Therefore, notwithstanding anything in this Act contained, it shall not be lawful for the Company, without the previous consent in writing of the Canal Company, under their corporate seal, to make at any of the several points of crossing of the said canal, river, and cut any deviation from the level of the railway, as delineated upon the deposited sections, so as to lower such level, nor, without such consent as aforesaid, to alter or interfere with any lock, flood-gates, sluices, or weirs upon the said river or canal, or to enter upon or take or use any lands or houses belonging to the Canal Company, other than such lands as are necessary for the construction of the railway in manner aforesaid; and, except as herein-after mentioned, nothing in this Act contained shall take away, diminish, or affect any of the privileges or powers vested in the Canal Company; and the Company shall not, without such consent as aforesaid, alter the line or level of the said canal or of the said river or cut, or the towing-paths of the same, or obstruct or impede the navigation thereof, or divert, intercept, cut off, take, use, or diminish any of the waters of or in the said canal, or which may be taken for the use of or which supply the said canal, or injure or interfere with any of the works of the said canal, or other works in connexion therewith, or take or use, except for the limited purposes herein-after mentioned, any part of the said canal, or any of the towing-paths, locks, feeders, lay-byes, wharfs, warehouses, banks, bridges, flood-gates, sluices, weirs, or other works of the Canal Company; and nothing in this Act contained shall compel the Canal Company to convey the fee simple of any land forming part of the said canal, or of the towing-paths thereof, but the same shall remain vested in the Canal Company, subject nevertheless to the right of the Company to construct and maintain the railway, and to have, use, and possess a right of way and passage for the railway by means of a bridge over the said canal, as herein-after provided, together with all rights and easements necessary to the due use and enjoyment of the same.

Height and span of bridge over the river Chess.

33. Notwithstanding anything in this Act contained, the Company shall not carry the railway across the said river Chess otherwise than by means of a bridge of brick, stone, concrete, timber, or iron, extending in one span over the said river and the towing-path thereof, and no part of the soffit or underside of such bridge shall be less than eight feet above the level of the top of the weir near the upper end of the lock, which is situate immediately below the proposed point of crossing, and by which the said river locks down into the said canal; and such bridge shall be constructed so as to leave a clear, uniform, and uninterrupted opening over the said river and towing-path of at least forty feet in width, measured at right angles to the face of the abutments of such bridge.

Construction of bridge over Grand Junction Canal.

34. Notwithstanding anything in this Act contained, the Company shall not carry the railway across the Grand Junction Canal, or the towing-paths thereof, otherwise than by a bridge constructed (except as to the superstructure thereof, which may be of timber, or such other material as the Company think fit,) of brick, stone, concrete, or iron, which bridge shall be made and maintained by the Company under and subject to the following provisions and conditions; (that is to say,)

No part of the soffit or underside of the said bridge shall be less than ten feet clear above the top-water level of the said canal at the point where the railway is carried over the same:

The said bridge shall, except as herein-after mentioned, be constructed so as to be carried over the whole of the said canal and the towing-path thereof, and any other property adjoining thereto in which the Canal Company are interested, by a single span, so as to leave a clear, uniform, and uninterrupted opening over the same:

Provided always, that the Company shall not be required to make the said bridge over the said canal, towing-path, and other property of a greater span than sixty feet, measured at right angles to the face of the abutments of the said bridge. In the event of the off-side abutment being more than five feet from the bank of the canal, wing walls shall be constructed to protect the same from boats navigating the canal.

For preventing obstruction to navigation.

35. All the before-mentioned works for carrying the railway over the river Chess and the Grand Junction Canal shall be carried on and completed in such manner as that no obstruction shall be caused to the steam vessels, boats, or barges navigating the said river or canal, or the horses towing such boats or barges; and the Company shall, during the progress of constructing the said bridges,

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and the works connected therewith, and of any necessary repairs thereof, at all times leave an open and uninterrupted navigable waterway in the said river and the said canal of not less than twenty-one feet in width of waterway and six feet in width of towing-path, and as respects the said river of eight feet in height, and as respects the said canal of ten feet in height, and the said bridges over the said river and canal, and all the works connected therewith, shall be constructed and for ever thereafter maintained in good, substantial, and water-tight repair by the Company, and so far as relates to all necessary precautions for the safety of the said river and canal and the towing-paths and banks thereof respectively, and the water in the said river and canal, and the works connected therewith, and for preserving a free and uninterrupted passage along the said river and canal and towing-paths thereof, each of the said bridges and the works connected therewith, and all future repairs thereof that may be required from time to time, shall be constructed and performed according to plans and specifications to be submitted to and be subject to the reasonable approval of the engineer for the time being of the Canal Company previously to the commencement of the works, which works shall be commenced, carried on, and completed under the superintendence and to the reasonable satisfaction of such engineer; and in case during the progress of either of the said bridges, or of any of the works connected therewith, any damage shall be occasioned to the said river or canal, towing-paths, or works thereof respectively, the Company shall, under such superintendence and to such reasonable satisfaction as aforesaid, restore the same to the same state and condition as before the happening of any such damage; and if the said bridges, or any of the works connected therewith, or any part thereof, shall be imperfectly constructed, or if at any time or times thereafter either of the said bridges or any part thereof shall be out of repair, or if in sinking the foundation for the abutments or walls of the said bridges over the said river or canal, or the works connected therewith, or otherwise, any loss of water, or any obstruction of the navigation of the said river or canal, shall occur, or if any alteration shall be made by the Company on any weir across the said river, or any impediment be caused to the flow of the waters down that river, and if notice thereof in writing shall be given by any officer or agent of the Canal Company to the Company, or their secretary or other officer, and if the Company shall not for the space of fourteen days after such notice shall have been given, or forthwith if the nature of the case shall require it, well, sufficiently, and effectually amend such construction, repair such bridges or works, take away such impedi-

ment, prevent such loss of water, remove such obstruction, or restore such weir (as the case may be), under such superintendence and to such reasonable satisfaction as aforesaid, and complete the same with all reasonable expedition, it shall be lawful for the Canal Company from time to time to make good such construction, to perform such repairs, to take away such impediment, to prevent such loss of water, to remove such obstruction, or to restore such weir, as the case may require; and the Company shall from time to time pay to the Canal Company, within fourteen days after demand, all the costs and expenses which may be incurred by them from time to time in any such operations, and in and about the superintendence and the construction of all the herein-before mentioned works and repairs; and shall also pay to the Canal Company all damages, costs, and expenses which the Canal Company may themselves incur, or which they may be liable to pay to any other person in consequence of any such alteration, impediment, or obstruction, or want of repair, or of any overflow or flooding of any lands, houses, or other property, or any other injury caused by any impediment or obstruction to the flow of the water of the said river or canal, or by the works of the Company in respect thereto; and each of the said bridges, and all the works connected therewith, shall be completed within the period of twelve months from the day on which the same shall respectively be commenced.

Penalty for obstructing navigation.

36. If by reason or in consequence of any of the circumstances or causes aforesaid the navigation of the said canal, or of the said river, or the passage along the towing-paths of the same, shall be so obstructed or interrupted as that steam vessels, boats, or barges navigating the said canal or the said river, or the horses towing such boats or barges, shall not be able to pass uninterruptedly or shall be impeded in their passage along the said canal or river or towing-paths of the same, then and in any and every such case the Company shall pay to the Canal Company, as and by way of liquidated damages, the sum of ten pounds for every hour during which every or any such obstruction or interruption shall continue after notice thereof shall have been given by any officer or agent of the Canal Company to the Company, or their secretary or other officer; but if any such obstruction or interruption shall continue for the space of more than seventy-two consecutive hours after such notice, or shall be caused by any wilful act, neglect, or omission of the Company, or of any of their agents, contractors, servants, or workmen, then and in every such case the Company shall pay to the Canal Company, as liquidated damages, the sum of twenty pounds

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for every hour during which such obstruction or interruption shall continue.

Culverts to be provided for escape of flood waters.

37. In constructing the railway between the road leading from Batchworth to Rickmansworth (numbered on the deposited plans 13, in the parish of Rickmansworth) and the Grand Junction Canal, the Company shall make so many arches or culverts of such dimensions as shall be sufficient to allow of the flow of flood waters from the lands on the north side of the railway into the river Chess on the south side of the railway.

Grand Junction Canal Company and others not to be precluded from recovering special damages.

38. Nothing in this Act contained shall extend to prevent the Canal Company from recovering beyond the amount of such liquidated damages as aforesaid, or to prevent any owner of land or mills, or of steam vessels, boats, or barges, or any other person whomsoever interested in or using or navigating the said canal, from recovering from the Company any special damage that may be sustained by them or any of them, or that they or any of them may be liable to pay, or shall pay, for or on account or by reason or in consequence of the wilful acts, neglects, or defaults of the Company, or in consequence of the flowing or escape of the water out of the said canal, or of any overflow or flooding of any lands, if the same shall be caused or happen by reason of the making or maintaining of the railway, or of the said bridges, or of any of the works connected therewith, or other operations of the Company; and the Canal Company and any such owner or other person are hereby authorised to sue for and recover such liquidated and special damages in any court of competent jurisdiction.

For the protection of the Edgware Highway Board.

39. With respect to the public carriage roads and public footpaths under the jurisdiction of the Edgware Highway Board (herein-after called "the board") the following provisions shall have effect; (that is to say,)

(A.) The road numbered on the deposited plans 5, in the parish of Pinner, shall be diverted, not as shown upon the deposited plans, but in accordance with a plan (herein-after referred to as "the agreed plan") signed in duplicate by Peter Jessup, the surveyor of and for and on behalf of the board, and by Thomas Walrond Smith, the engineer for and on behalf of the Company. The width of the road shall be not less than 32 feet and 6 inches between the parapets of the bridge, and at that portion of the road only; and the gradient thereof shall in no place be steeper than 1 foot in 30 feet:

(B.) The footpath running through the properties numbered on the deposited plans 9 and 11, in the parish of Pinner, shall be diverted along the railway fence to join the footpath numbered on the deposited plans 15, in the same parish, such diverted path to be gravelled:

(C.) The footpath numbered on the deposited plans 15, in the parish of Pinner, shall be maintained in its present line and position, and shall be carried over the railway by means of a foot-bridge:

(D.) The road numbered on the deposited plans 18, in the parish of Pinner, shall not be taken, used, or interfered with, either permanently or temporarily, except for the purpose of forming a junction with another road; neither shall the road numbered 1, in the parish of Harrow-on-the-Hill, be taken, used, or interfered with, either permanently or temporarily, without the consent in writing of the board under the hand of their clerk for the time being:

(E.) The footpath running through the property numbered on the deposited plans 23, in the parish of Pinner, shall be diverted to join the footpath through the property numbered 26 as shown on the agreed plan:

(F.) The footpath running through the properties numbered on the deposited plans 26 and 27, in the parish of Pinner, shall be maintained in its present line and position, and shall be carried over the railway by means of a foot-bridge:

(G.) The railway shall be carried over the road numbered on the deposited plans 36, in the parish of Pinner, by means of a girder bridge, of a span of 25 feet and a headway of not less than 16 feet; the gradient of the said road when altered shall be not steeper than 1 foot in 23 feet on the Eastcote side of the bridge, nor more than 1 foot in 30 feet on the Pinner side of the bridge:

(H.) The bridge for carrying the railway over the road numbered on the deposited plans 48, in the parish of Pinner, shall be a girder bridge, with a clear span of 25 feet between the abutments thereof, and with a headway of 15 feet for the whole of the said 25 feet:

(I.) The footpath running through the field numbered on the deposited plans 5, in the parish of Harrow-on-the-Hill, shall be carried under the railway by means of a tunnel constructed so as to cross the line of the railway at right

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angles thereto, the span of the arch of such tunnel shall be not less than 4 feet, and the height of the centre of the arch above the surface of the footpath shall not be less than 7 feet:

(J.) Every foot-bridge for carrying a footpath over the railway provided for by this section shall be provided with proper bridges and swing gates or steps; the width of every such bridge shall be throughout not less than 5 feet, and each step of the approaches thereto shall be at least 9 inches in width, with a rise of not more than 7 inches:

(K.) Save in so far as the same are varied or modified by this section, the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the crossing of roads or other interference therewith, shall apply in the case of every road and footpath mentioned in this section.

Provisions with respect to roads, &c. in the parish of Ruislip.

40. As regards the public carriage roads and footpath hereinafter mentioned in the parish of Ruislip, in the county of Middlesex, the following provisions shall have effect; (that is to say,)

(A.) The bridge for carrying over the railway the road numbered on the deposited plans 13, in the said parish, shall be made of the width of not less than twenty-three feet between the parapets thereof, and the approaches to the said bridge shall be of the same width:

(B.) The diversion of the road numbered on the deposited plans 22 and 23, in the said parish, shall be made as shown on the said plans; the gradients of the new or substituted road shall not be steeper than one foot in thirty feet; the railway shall be carried over the new or substituted road by means of a segmental arched bridge, having a clear headway above the surface of the road of not less than sixteen feet; the width of the roadway between the abutments of the bridge shall not be less than thirty-two feet and six inches; the new or substituted road shall be made and formed with proper and sufficient materials:

(C.) The road numbered on the deposited plans 33, in the said parish, shall be carried over the railway by means of a bridge; the width of the road between the parapets of the bridge shall be not less than twenty-five feet, and the gradients of the road and its approaches shall not be steeper than one foot in twenty-five feet:

(D.) The footpath in the field numbered on the deposited plans 38, in the said parish, shall be continued over the railway to the road numbered on those plans 45, in the said parish, by means of a level crossing and gates in the east corner of the said field numbered 38:

(E.) Save as otherwise above expressly provided, the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the crossing of roads or other interference therewith shall apply in the case of the said roads respectively.

Occupation road numbered 39, in Pinner, to be carried either over or under the railway.

41. The occupation road numbered on the deposited plans 39, in the parish of Pinner, shall, at the option of the Company, be carried either over or under the railway by means of a bridge, and the roadway of such bridge shall have a clear available width of not less than twenty-five feet.

As to the lands required in common for railway and Kingsbury and Harrow Railway.

42. And whereas the railway authorised by this Act is intended to terminate at the point where the Kingsbury and Harrow Railway (for the construction of which the Metropolitan Railway Company and the Metropolitan and Saint John's Wood Railway Company, herein-after called the two companies, are seeking powers in the present session of Parliament) will terminate, and the lands required by the two companies for the purposes of their railway and by the Company for the purposes of the railway authorised by this Act may be in some cases identical: Therefore, in order to prevent any dispute as to the property in the said lands, and the nature and extent of the tenure thereof, by the two companies and the Company, and the payments to be made by them respectively for the purchase or use of the same or for the interference therewith, and also to prevent any dispute as to the method or cost of executing works common to the Company and the two companies, or in the execution or use of which the two companies and the Company may be concerned, be it enacted, that any difference which may from time to time arise between the Company and the two companies, or either of them, respecting any of the matters aforesaid, shall be settled by an arbitrator to be appointed by the common consent of the parties in difference, or in default of such consent, to be appointed by the Board of Trade.

Power to take easements, &c. by agreement.

43. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an

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easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

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

44. 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 seven thousand three hundred and twenty-nine pounds consolidated three pounds per centum Bank annuities, equal to the sum of six thousand seven hundred and forty-two pounds, and a sum of forty pounds cash, making together the sum of six thousand seven hundred and eighty-two pounds, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the 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 stock and sum so deposited 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 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 shares, 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 have given such proof as aforesaid to the satisfaction of the Board of Trade, the said stock and 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.

Providing for application of deposit.

45. The said stock and sum of money deposited 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 Company 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 stock and sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said stock and sum of money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be either 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 stock and 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 works.

46. If the railway is not completed within five 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 for passengers and animals.

47. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway:

For every person conveyed in or upon any carriage, the sum of twopence per mile; and if conveyed in or upon any

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carriage belonging to the Company, an additional sum of one penny per mile:

For every horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny per mile:

For every ox, cow, bull, or head of neat cattle, the sum of twopence per head per mile; and if conveyed in carriages belonging to the Company, an additional sum of one penny per mile:

For every calf, sheep, pig, lamb, and other small animal, one penny each per mile; and if conveyed in carriages belonging to the Company, an additional sum of one halfpenny per mile.

Tolls for goods.

In respect of goods conveyed on the railway:

For all coals, slack, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, ashes, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For all ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stone for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile not exceeding twopence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, iron hurdles, and for light iron castings, per ton per mile not exceeding twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For cotton and other wools, drugs, rags, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Com-

pany, an additional sum per ton per mile not exceeding one penny :

For every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, not exceeding sixpence per mile; and one penny halfpenny per mile for every additional quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

48. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

49. The following provisions and regulations shall apply to the fixing of all tolls and charges under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railway for a less distance than four miles, the Company may demand tolls and charges as for four miles :

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls and charges for passengers as for one mile, and for animals and goods for such fraction in proportion to the number of quarters of a mile contained therein; and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile :

For a fraction of a ton the Company may demand tolls according to the numbers of the quarters of a ton in such fraction; and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton :

With respect to all articles except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

50. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway, as follows :

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

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

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

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

For any parcel exceeding fifty-six pounds, but not exceeding five hundred pounds in weight, the Company may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight:

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons, but shall not exceed eight tons, the Company may demand any such sum as they think fit, not exceeding sixpence per ton per mile:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum rates for passengers.

51. The maximum rates of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:

For every passenger conveyed in a second-class carriage, the sum of twopence per mile:

For every passenger conveyed in a third-class carriage, the sum of one penny per mile.

Maximum rates for animals and goods.

52. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks, or locomotive power, and every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the

business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums; (that is to say,)

For every horse, mule, or other beast of draught or burden, fourpence per mile;

For cattle, threepence per head per mile;

For calves, pigs, sheep, and small animals, one penny per mile;

For all coal, coke, and other articles herein-before classed therewith, one penny halfpenny per ton per mile;

For all iron and other articles herein-before classed therewith, threepence per ton per mile;

For all sugar, grain, and other articles herein-before classed therewith, threepence halfpenny per ton per mile;

For all cotton and other articles herein-before classed therewith, fourpence per ton per mile;

And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence, and one penny halfpenny for every additional quarter of a ton weight which such carriage may weigh.

Passengers luggage.

53. 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.

Terminal stations.

54. No station shall be considered a terminal station in regard to any goods conveyed on the railway except such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Restrictions as to charges not to apply to special trains.

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

Company may take increased charges by agreement.

56. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in

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relation thereto, or in respect to the conveyance of animals or goods (other than parcels) by passenger trains.

Arrangements with other companies.

57. The Company on the one hand, and the London and Aylesbury Railway Company, the Metropolitan and St. John's Wood Railway Company, and the Metropolitan Railway Company, or any or either of those companies, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended by "The Regulation of Railways Act, 1873," from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The management, use, working, and maintenance by any or either of the contracting companies of the railway or any part thereof:

The supply by any or either of the contracting companies of any rolling or working stock, and of officers and servants for the conduct of the traffic on the railway:

The payments to be made and the conditions to be performed with respect to the matters aforesaid:

The interchange, accommodation, conveyance, and delivery of the traffic coming from or destined for the respective undertakings of the contracting companies:

The fixing and division between the contracting companies of the receipts arising from such traffic.

Tolls for traffic conveyed partly on railway and partly on other railways.

58. Where under the provisions of this Act traffic is conveyed partly on the railway and partly on the railway of any other company, the railway and the railway of such other company shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of any other company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of any other company.

Interest not to be paid out of capital.

59. 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 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 Company's capital.

60. 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 execute any other work or undertaking.

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

61. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better or 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.

62. 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.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1874.