CHAPTER ccxlvii.

An Act for making a Railway in the County of Middlesex to be called the Latimer Road and Acton Railway and for other purposes. A.D. 1882.

[18th August 1882.]

WHEREAS the construction of the railway herein-after described would be of public and local advantage:

And whereas the persons herein-after named with others are willing to carry the undertaking into execution and it is expedient that they be incorporated into a company and that the requisite powers be conferred upon them:

And whereas it is expedient that the Company and the other companies in that behalf in this Act mentioned be empowered to enter into and carry into effect working and other agreements as herein-after provided:

And whereas plans and sections showing the lines and levels of the railways 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 the purposes of this Act cannot be effected without the authority of Parliament:

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

1. This Act may be cited as the Latimer Road and Acton Railway Act 1882. Short title.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. Incorporation of Acts. 8 & 9 Vict. c. 16.

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26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

(relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 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.

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. Richard Lawrence Cosh, George Wright, 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 Latimer Road and Acton 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.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches yards buildings 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 as follows:—

A railway 2 miles 1 furlong and 5·20 chains in length commencing in the parish of Hammersmith and county of

Middlesex by a junction with the Hammersmith and City Railway (belonging to the Great Western and Metropolitan Railway Companies) and terminating in the parish of Acton in the property numbered on the deposited plans 3, in that parish.

Not to enter on certain lands without consent of Great Western Company.

6. Notwithstanding anything in this Act contained the Company shall not without the consent in writing of the Great Western Railway Company under their common seal enter upon take use or acquire either temporarily or permanently any of the lands numbered on the deposited plans 1, 2, 6, 14 and 15 in the parish of Acton in the county of Middlesex.

Not to take lands or interfere with railway of Great Western and Metropolitan Railway Companies except for the purposes of a junction.

7. Notwithstanding anything herein or in the incorporated Acts contained it shall not be lawful for the Company nor any person acting under or in execution of this Act to enter upon occupy or use either permanently or temporarily any of the lands works or property of the Great Western and Metropolitan Railway Companies or in any manner to alter vary or interfere with the Hammersmith and City Railway of the said companies or the works of or connected therewith without the consent of the Great Western and Metropolitan Railway Companies under their respective common seals save only for the purpose of effecting the junction with the Hammersmith and City Railway by this Act authorised and the Great Western and Metropolitan Railway Companies may at any time or times hereafter should it be necessary for them to do so at their own expense alter or remove such junction and substitute a new junction therefor but so as such alteration or removal or substituted junction shall not stop the traffic of the railway by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction as the case may be or the signals works and conveniences connected therewith.

Company to make station at junction with Hammersmith and City Railway.

8. The Company shall before the opening of the railway for public traffic construct and for ever thereafter maintain in good order and condition and work at their own expense at or near the junction of the railway with the Hammersmith and City Railway a station and all necessary signals works and conveniences connected therewith for the interchange of traffic between the railway and the Hammersmith and City Railway and any question as to the position of the station the sufficiency thereof or as to the due and efficient working and maintenance thereof shall on the application of the Joint Committee of the Hammersmith and City Railway be referred to a single arbitrator to be appointed by the Board of Trade.

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Company to purchase the whole of certain properties if required.

9. If the Company take or acquire any of the lands numbered on the deposited plans 3 and 4 in the parish of Acton in the county of Middlesex they shall if so required by the Great Western Railway Company purchase take and acquire the whole thereof and the Company shall also pay to the Great Western Railway Company all costs charges and expenses which may be incurred by them in removing or altering their line of rails goods station and coal yard works and conveniences and reconstructing the same and incident thereto.

Company to submit plans, &c., to engineer of Great Western Railway Company.

10. Before entering upon the lands numbered on the deposited plans 6 and 7 in the parish of Acton in the county of Middlesex the Company shall deliver to the engineer of the Great Western Railway Company for his approval plans sections and specifications of the intended works and the said engineer shall thereupon approve the same or signify to the Company the modifications which he requires in such plans sections and specifications and should the said engineer fail within twenty-one days to approve the said plans or to furnish to the Company a statement of the modifications which he requires therein then such plans sections and specifications shall be submitted for the approval of an engineer to be appointed by the Board of Trade for that purpose who shall approve the same with or without modification and such approval shall be binding on the Company and the Great Western Railway Company and such works respectively shall be carried out in accordance with the plans sections and specifications so approved or modified and all such works shall be constructed to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company.

Company to satisfy engineer of Great Western Railway Company as to sufficiency of works.

11. Before such works or any of them shall be commenced the Company shall satisfy the engineer of the Great Western Railway Company that the works can be carried out without risk to the Great Western Railway or any of the works or conveniences connected therewith and the contractor for the construction of the said works shall obey all reasonable orders regulations and instructions from time to time given to him by the engineer of the said Company and also all byelaws rules and regulations of that Company so far as they may affect anything to be done in connexion with the construction of the said works or in relation thereto and after the works shall have been commenced they shall be carried on with all due despatch and the said works shall as far as regards the lengthening of the bridge be completed within two months after the same shall have been commenced and the retaining wall in No. 7 within four months after the commencement thereof or of any of the works on No. 7 failing which the Company shall pay to

the Great Western Company the sum of ten pounds per day for every day after the expiration of the time limited for the construction of such works respectively as aforesaid.

Capital.

12. The capital of the Company shall be one hundred and twenty thousand pounds in twelve hundred shares of ten pounds each.

Shares not to be issued until one-fifth paid.

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

Calls.

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

Receipt in case of persons not sui juris.

15. 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.

16. 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 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.

17. 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

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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.

18. 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.

19. 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 entire share shall be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

20. 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.

21. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares to be created under the authority of this Act and every such preferred half share shall for that purpose be considered 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.

22. 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.

23. 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. A.D. 1882.

Power to borrow.

24. The Company may in respect of the share capital of one hundred and twenty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole forty thousand pounds but no part of such sum of forty thousand pounds shall be borrowed until shares for the whole of the said capital of one hundred and twenty thousand pounds are issued and accepted and one half of such capital 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 shares for the whole of the said capital have been issued and accepted and that one half of such capital 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 the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also 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 certificate shall be sufficient evidence thereof.

For appointment of a receiver.

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

Debenture stock.

26. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages are

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authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

29. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

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

Quorum.

31. The quorum of a meeting of directors shall be three and if the number of directors be reduced to three the quorum shall be two.

First directors.

32. Richard Lawrence Cosh, George Wright and three other persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) 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 or 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.

Election of directors.

Lands for extraordinary purposes.

33. 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 one acre.

Period for compulsory purchase of lands.

34. The powers of the Company for the compulsory purchase of land for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take easements &c. by agreement.

35. 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 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.

For the protection of highways, sewers, etc., in the Fulham district.

36. For the protection of the Board of Works for the Fulham district be it enacted as follows :—

(1.) Before the Company shall break up any public highway road or street within the Fulham district they shall give to the Board of Works for the Fulham district notice thereof in writing and such notice shall be delivered at the office of the Board not less than fourteen days before commencing such work.

(2.) Before the Company shall commence any works in the Fulham district which shall cause any temporary diversion or obstruction of any public highway road or street or any portion thereof or which shall cause any inconvenience to traffic the line of the said diversion and the arrangement and provision for the passage of traffic shall be approved by the Board of Works for the Fulham district and the Company shall before commencing any such works at their own expense make such arrangement and provision for the passage of traffic as the said Board shall in writing require.

(3.) The Company shall within six months after any part of any public highway road or street within the Fulham district shall have been first broken up, fill up and restore in a well rammed and workmanlike manner in such manner and with such materials as the Board of Works for the Fulham district may (in writing) direct and to the reasonable satisfaction of the said Board the said highways roads or streets including the footways thereof and the Company shall also at their own expense keep and maintain in such manner and with such materials as the Board may from time to time (in writing) require the said highways roads or streets including the footways thereof in good and substantial repair in every respect to the reasonable satisfaction of the said Board for six months next after the same shall have been so restored as aforesaid and if the Company fail refuse or neglect to comply with the written request of the said Board and do not carry out or execute such works with such materials

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and in such manner as the said Board may direct then and in that case the said Board may themselves or by their officers or contractors at the expiration of seven days after the service of the notice of request to the Company (which notice of request shall be delivered at the office of the Company) proceed to carry out and execute the works matters and things referred to in the said notice of request and the Company shall pay to the Board on demand the cost of the works so executed.

(4.) In the formation of all bridges or arches within the district of the Board of Works for the Fulham district carrying the railway over any public highways or other highways roads or streets or carrying the said public highways or other highways roads or streets over the railway the said bridges or arches shall be constructed and maintained of the full width of forty feet throughout between the abutments or parapets measured upon the square and in the case of all public highways or other highways roads or streets of greater width than forty feet the said bridges or arches shall be constructed and maintained of the full width of the said highways roads or streets including the forecourts of houses where such forecourts exist.

(5.) All such bridges or arches shall be made and maintained watertight and so constructed as to so far as practicable deaden the sound of engines carriages and traffic passing over them.

(6.) All such bridges or arches shall have a clear height or headway of not less than sixteen feet measured from the crown of the carriageway to the underside of the arch or girder unless otherwise agreed and consented to by the Board of Works for the Fulham district.

(7.) No alteration of the surface levels of the public highways or other highways roads or streets shall be made by the Company without the previous sanction (in writing) of the Board of Works for the Fulham district being obtained.

(8.) 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.

(9.) 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.

(10.) All works affecting any public road or sewer under the jurisdiction of the Board of Works for the Fulham district shall be executed and done to the reasonable satisfaction of the said Board and at the costs charges and expenses of the Company

and the costs charges and expenses of the said Board occasioned by any act or proceedings of the Company in the construction of their works shall be defrayed by the Company.

(11.) When 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 Board of Works for the Fulham district or with any sewers or works to be made or executed by the said Board or shall or may in any way affect the sewerage or drainage of the district under their control the Company shall not commence such work until they shall have given to the said Board fourteen days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the said Board for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the said Board shall have signified their approval of the same (unless the said Board do not signify their approval disapproval or other directions within fourteen days after the service of the said plans sections and particulars aforesaid) and the Company shall comply with and conform to all orders directions and regulations of the said Board in the execution of the said works and shall provide by new altered or substituted works in such manner as the said Board may deem necessary 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 intended works or any part thereof and shall save harmless the said Board 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 Board (unless such board refuses or neglects to give such superintendence at the time specified in such notice as aforesaid or discontinue the same during the work) 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 the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the said Board 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

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direction jurisdiction and control of the said Board as any new sewers or works now are or hereafter may be and nothing in this Act shall extend to prejudice alter diminish or take away any of the rights powers or authorities vested or to be vested in the said Board 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.

(12.) Any difference which may arise between the Company and the Board of Works for the Fulham district under this enactment shall be from time to time referred to and be 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.

(13.) In these protective clauses the words "public highways" are intended to mean and shall mean and include any road street lane footway square court alley or passage of which the maintenance of the paving or the repairing thereof has been taken into charge and assumed by the Board of Works for the Fulham district and the words "other highways roads or streets" shall mean and include all other the roads streets lanes footways squares courts alleys or passages within the Fulham district.

Provisions for the protection of the Grand Junction Waterworks Company.

37. Whereas certain mains pipes services and other works belonging to and now in use by the Grand Junction Waterworks Company (in this section called "the water company") for the purpose of their water supply will or may in the execution of the works by this Act authorised be intersected or otherwise interfered with. Therefore the following provisions shall have effect:—

(A.) All works matters or things which the Company may be empowered or required to do or execute with reference to the mains pipes services or other works of the water company shall be done and executed by and at the expense of the Company but to the entire satisfaction of and in such manner as shall be reasonably required by the engineers for the time being of the water company. Such works matters or things shall not be commenced till after fourteen days' notice thereof in writing shall have been given by the Company to the water company and if the water company by notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of any such work matter or thing require that the water company shall by their own engineer or workmen do or execute such work matter or thing the water company may on the expiration

of the first-mentioned notice do or execute the same and the Company shall on the completion thereof pay to the water company the reasonable expenses incurred by them in the execution thereof.

(B.) The Company shall bear the reasonable expenses of and incident to the superintendence and watching by the water company or their engineer or officers of all or any of the works by this Act authorised during the progress and until the completion of the same and by which any main pipe service or work of the water company shall be interfered with.

(C.) If any interruption whatsoever in the supply of water by the water 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 fully compensate the water company for any damage or loss which may be sustained by them in consequence of such interruption and if the Company fail to pay to the water company that compensation on demand the same may be recovered with full costs of suit by the water company by proceeding in any court of competent jurisdiction.

(D.) The expense of all repairs and renewals of any main pipe or service of the water company 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 Company and may be recovered against them by the water company in any court of competent jurisdiction.

(E.) The water company and their engineer and workmen may at all reasonable times when necessary enter upon the railway and the incidental works connected therewith for the purpose of laying and maintaining and may lay and maintain any mains pipes services or other works needful or proper for carrying on their supply of water under or over the said railway and works where such mains pipes services or other works now exist and in every case in which the works of the Company shall interfere with the mains and pipes of the water company the Company shall give every reasonable facility for provision being made so as to allow such mains and pipes to be replaced by mains and pipes of a larger size. Provided always that the water company shall in the exercise of these powers do as little damage as possible and shall not

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interrupt or prejudicially interfere with the traffic passing on the railway or other property of the Company and that all such works shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the Company.

(F.) If any difference shall arise between the Company or their engineer and the water company or their engineer touching the amount of any costs expenses or charges under the provisions of this Act or any Act incorporated therewith to be paid by the Company to the water company or touching any work matter or thing with reference to the mains pipes services or other works of the water company under such provisions to be done or executed by the Company or the water company or the mode of doing or executing the same such difference shall be settled by arbitration in accordance with the provisions of the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

(G.) Except as in this Act specially provided nothing in this Act shall prejudice diminish alter or take away any of the rights privileges powers or authorities of the water company.

For protection of joint lessee companies of the North & South-western Junction Railway. As to bridge and arches over North & South-western Junction Railway.

38. For the protection of the joint lessee companies of the North and South-western Junction Railway (who are in this section referred to as "the joint lessee companies") the following provisions shall have effect that is to say:—

(1.) The railway shall be carried over the North and South-western Junction Railway and its lands adjoining thereto by means of a girder bridge having a centre opening of not less than 50 feet clear measured on the square with a clear headway of 15 feet throughout and with an archway on each side thereof having an opening not less than 15 feet clear measured on the square. Each of such archways having a clear headway of not less than 15 feet measured from the surface of the rails to the highest point of the soffit of the arch. And the said bridge and archways shall be constructed according to the plans sections and specifications previously submitted to and approved by the engineer acting on behalf of the joint lessee companies for the time being and under his superintendence and to his reasonable satisfaction in all respects but in all things at the expense of the Company. And all the works connected with such bridge and archways shall be constructed and executed respectively by such means and in such manner only as not to interfere with the traffic over or the free uninterrupted and safe use of the North and South-western Junction Railway and so as to leave undisturbed all the

existing lines of rails at the point where they will be so passed over or affected by the works for such bridge.

Maintenance of bridge and arches over North & South-western Junction Railway.

(2.) The Company shall at all times maintain the bridge arches and other works for crossing over the North and South-western Junction Railway in substantial repair and good order to the reasonable satisfaction in all respects of the engineer acting on behalf of the joint lessee companies as aforesaid. And if and whenever the Company fail so to do the joint lessee companies may make or do in and upon as well the lands of the Company as their own lands all such works and things as may be reasonably requisite in that behalf and the reasonable amount of such expenditure shall be repaid to the joint lessee companies by the Company and in default of payment may be recovered from the Company with full costs in any court of competent jurisdiction.

Protection of works of North & South-western Junction Railway.

(3.) The Company shall not without first obtaining the consent of the joint lessee companies under the hand of the secretary for the time being of the joint committee of such companies take use enter upon or interfere with any of the lands rails works property or rights from time to time belonging to or in the possession or under the power of or vested in the joint lessee companies except only such part or parts thereof respectively as it shall be absolutely necessary for the Company to take use enter upon or interfere with for constructing and maintaining the bridge arches and other works over the North and South-western Junction Railway in accordance with the provisions in that behalf in this Act contained.

Taking lands, &c. of joint lessee companies.

(4.) The Company shall not purchase and take any lands and property of the joint lessee companies but may purchase and take and the joint lessee companies may and shall sell and grant accordingly a perpetual easement or right of using such lands and property for the purpose for which but for this enactment the Company might purchase and take the same.

Expenses of watching, &c.

(5.) The Company shall bear and on demand pay to the joint lessee companies all reasonable expenses of the employment by them during the construction of the works affecting the North and South-western Junction Railway of a sufficient number of inspectors and watchmen to be appointed by the joint lessee companies for watching their said railway and the works and property connected therewith with reference to and during the execution of such works of the Company and for preventing so far as may be all interference danger and accident from any of the operations or from the acts or defaults of the Company or of their contractors or any persons in the employment of the

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Company or of their contractors with reference thereto or otherwise and also of the alterations additions and maintenance from time to time by the joint lessee companies of any signals which they may find it necessary to make owing to such crossing over as also to the construction of such works.

Penalty in case of obstruction or injury of the North & South-western Junction Railway.

(6.) If by reason of the execution of any of the works for such crossing or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any persons in the employ of the Company or of their contractors or otherwise the North and South-western Junction Railway or any of the works connected therewith or any passenger or other traffic on that railway shall sustain any injury or damage such injury or damage shall be forthwith made good by the Company at their expense or in the event of their failing so to do the joint lessee companies may make good the same and recover the expense thereof with full costs from the Company in any court of competent jurisdiction. And if any interruption shall be occasioned to such traffic by reason of any of the matters or causes aforesaid the Company shall on demand pay to the joint lessee companies all costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable from the Company as last aforesaid and with full costs.

Arbitration.

(7.) If any dispute shall arise between the joint lessee companies and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers in London the cost of such arbitration to be in the discretion of such arbitrator.

Saving rights of joint lessee companies.

(8.) Nothing in this Act contained shall prejudice take away dimininish or interfere with any of the property rights interests powers and privileges of the joint lessee companies of the North and South-western Junction Railway otherwise than as herein expressly provided.

As to railway bridges over roads in the metropolis.

39. (1.) The railway shall be carried over Wood Lane Shepherd's Bush numbered on the deposited plans 40 in the parish of Hammersmith by an iron girder bridge having a clear headway throughout of not less than 16 feet 4 inches above the surface of the centre of the said street and a clear span

throughout of not less than 53 feet measured on the square and the said bridge and works connected therewith shall be of a reasonably ornamental character and design and shall be made and maintained so as to prevent the dripping of water therefrom on any part of the street or footways and so as to deaden so far as practicable the sound of engines carriages and traffic passing over them.

(2.) The Company shall not execute or commence the erection of the said bridge or works 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 bridge and until that Board shall have signified their approval of the same unless that 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 bridge and the works connected therewith and shall save harmless the said Board against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer 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 the 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 in the metropolis.

40. 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 the Board of Works for the Fulham district constituted under the Metropolis Management Act 1855 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 Boards or either of them or shall or may in any way affect the sewerage or drainage of the districts under 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 as the case may be twenty-one

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days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such Board 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 respectively shall have signified their approval of the same (unless such Board 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 District Board in the execution of the said works and shall provide by new altered or substituted works in such manner as such Boards respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said Boards 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 or District Board as the case may be at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said Metropolitan Board or District Board may be put to by reason of such 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 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 or District Board as the case may be respectively as any sewers or works now 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 respective Boards 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.

Prohibiting placards and advertisements.

41. The Company shall not exhibit or permit to be exhibited upon any part of their premises within view of any public street within the metropolis any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the Metropolitan Board of Works.

As to workmen's trains.

42. The Company shall at some time or times not later than seven in the morning or earlier than six in the evening of every day run a train or trains on their railway for persons belonging to the laboring classes resorting to and returning from their work and the following provisions shall apply to any such trains:—

(A.) The Board of Trade may in case of any complaint fix and regulate the hours at which within the limits aforesaid the said trains shall run and may fix the fares for such trains and the number of such trains.

(B.) The liability of the Company under any claim to compensation for injury or otherwise in respect of each passenger travelling by any such train at the fare so fixed by the Board of Trade as aforesaid shall not exceed one hundred pounds and the amount of compensation payable in respect of any passenger so injured shall be determined by an arbitrator to be appointed by the Board of Trade and not otherwise and his decision shall be final and the provisions of the Railways' Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall apply to every such arbitration.

It shall be lawful for the Metropolitan Board of Works if they think fit to make any complaint to the Board of Trade for the purpose of this section.

If the Company shall make default in complying with any order of the Board of Trade under this section the Company shall be liable to a penalty for every such default not exceeding twenty pounds which shall be recoverable in the same manner as other penalties under the Railways' Clauses Consolidation Act 1845.

For protection of Acton Local Board.

43. For the protection of the local board for the district of Acton in the county of Middlesex in this Act called "the local board" the following provisions shall have effect that is to say:—

(*a*) Every bridge for carrying the railway over any public highway or public footpath within the district of the local board and every bridge for carrying any public highway or public footpath over the railway within the district of the local board shall be of a reasonably ornamental character and design.

(*b*) Every bridge for carrying any public highway within the district of the local board over the railway shall be constructed so as not to lessen the present clear width of such highway including the footpaths and in no case shall any such bridge be of less width between the parapets thereof than the widths in this section specified and every such bridge shall be so covered as to prevent so far as may be practicable any escape of steam smoke or other offensive effluvium into such highways.

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(*c.*) Every bridge within the district of the local board for carrying the railway over any highway shall be made and maintained watertight and so as to deaden so far as is practicable the sound of engines carriages and traffic passing over the same.

(*d.*) The railway shall be so constructed as to pass beneath the public highways numbered 5 and 13 respectively on the deposited plans in the parish of Acton without curtailing the width of the said roads and the centre line of railway shall not be deviated more than 50 feet to the southward of the centre line shown at that point on the deposited plans.

(*e.*) The public highways numbered on the deposited plans 5 and 13 in the parish of Acton and also the piece of waste numbered on the deposited plans 12 in the parish of Acton shall be carried and supported over the railway by means of a girder bridge or viaduct with a clear width between the parapets of 100 feet at the least and such bridge or viaduct shall be so constructed as not to alter the level of the existing surface of those public highways or of the said waste land. The surface of those public highways over such bridge shall be levelled metalled curbed channelled and made good and so for ever maintained by and at the expense of the Company and to the satisfaction of the local board.

(*f.*) The bridge for carrying the railway over the public highway numbered on the deposited plans 61 in the parish of Acton shall be constructed with a single arch or span having a width of 60 feet in the clear at least and such bridge shall have a clear headway of 17 feet at the least from the surface of the road.

(*g.*) The footpath shown on the deposited plans and traversing the property numbered 69 in the parish of Acton shall be carried under the railway by means of a bridge to be constructed by and at the expense of the Company with a clear span of 40 feet and a clear headway of 16 feet throughout.

For protection of the Acton Wells Estate.

44. For the protection of the Acton Wells Estate each and every the following provisions in this section contained shall be binding upon the Company and full effect shall be given thereto.

(A.) The Company shall make an approach road as shown on a plan (in this section called "the plan") signed in duplicate by James N. King-Church on behalf of the said William Thomas King-Church and by Edward Wilson engineer on behalf of the Company passing under the bridge in the next sub-section (B.) mentioned commencing at a point on the Friar's Place Road marked A in the plan and running thence in a direction

shown thereon or in such other direction as the said William Thomas King-Church or the person or persons for the time being beneficially entitled to the Acton Wells Estate (hereinafter called the owner) shall hereafter agree to in writing at a continuous gradient from the point A to the level of such approach road under the said bridge and thence at a continuous gradient with an inclination not steeper than 1 foot in 25 feet to the point beyond such bridge at which the said approach road shall attain the level of the immediately surrounding land portion of the said estate and situate to the north-east of the railway and shall fence the said approach road on both sides with proper post and rail fences and shall provide and erect proper and sufficient field gates at each end of such road. The said approach road shall be 40 feet in width and shall consist of a carriage way 24 feet wide with a footpath 8 feet wide on each side of the carriageway. The carriageway shall be made of barrel form with a foundation of 18 inches of hard well-burnt brick earth and shall be well and sufficiently drained from the said level under the said bridge so that no water shall ever remain on the surface under the said bridge. Each of the said footways shall be made of a foundation of 9 inches of hard well-burnt brick earth. The Company shall maintain each and every the works in this sub-section specified in good and sufficient order and condition for the space of one year from the completion by them of all the said works.

(B.) For the purpose of carrying the railway over the said approach road in the last preceding sub-section mentioned the Company shall make at a point marked B on the plan or at such other point as the owner shall hereafter agree to in writing and for ever maintain in good order and condition a flat iron girder bridge of the most approved construction of a clear span of not less than 40 feet with a clear headway of not less than 16 feet 6 inches above the surface of the before-mentioned approach road when completed as aforesaid and not exceeding in width 25 feet measured outside the parapets. Such bridge shall be constructed and for ever maintained by the Company at their own expense so as to be watertight and not to allow any flow or dropping of water on to the said approach road over which it is to be made.

(C.) If the Company shall refuse or neglect to make or to maintain in good and sufficient order and condition the said approach road or the fences thereof or the slopes of the cuttings in accordance with the provisions of sub-section A of this section or if the Company shall neglect or refuse to make or at any

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time to maintain in good order and condition the said bridge or to keep the same watertight then and in each and any such case the owner may make or repair the said approach road fences slopes or bridge as the case may be and for the purpose of carrying out any work by this section authorised in respect of the said bridge the owner may by his servants agents and workmen and with all necessary machinery and appliances enter upon the said bridge or any portion of the railway adjoining thereto or to the place where the same ought in accordance with the provisions of sub-section B of this section to be made and the Company shall on demand repay to the owner the reasonable costs incurred by him in or about any works executed by him under the provisions herein contained.

(D.) Until the works in sub-section A shall have been completed the owner his tenants servants and agents shall at all times and for all purposes have a right of way along the site of the said intended approach road or some other equally convenient and reasonable course so that they may respectively have full and convenient access from one portion of the said estate to the other.

(E.) The works and all of them above specified shall be duly carried out by the Company at their expense and shall be completed within three years from the passing of this Act to the reasonable satisfaction of the surveyor for the time being of the owner.

(F.) For the purpose of constructing and maintaining the said bridge and the abutments thereof the Company shall acquire an easement only in so much as may be necessary of the lands forming part of the Acton Wells Estate and the Company shall not in the exercise of any of the powers conferred upon them by this Act interfere in any way with the completion and maintenance from time to time by the owner of the said approach road or the construction and maintenance by him of all such sewers and drains thereunder as he may think fit or the execution by him of any act necessary for those purposes or any or either of them.

(G.) In the event of any difference arising between the parties as to the due performance of any of the above provisions the same shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

For the protection of the estate of the Ecclesiastical Commissioners for England.

45. Whereas the railway is intended to be carried through an estate in the parish of Hammersmith belonging to the Ecclesiastical Commissioners for England whereby such estate will be severed into

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Commissioners.

parts. Therefore for the purpose of providing for and securing to the Ecclesiastical Commissioners and to their sequels in estate (who are herein-after included together in the expression the Commissioners) and to the occupiers of the said estate communication between the several portions of that estate and otherwise for their protection the provisions next herein-after following shall have effect that is to say :—

(A.) The Company shall not take use or enter upon any more of the lands belonging to the Commissioners than is absolutely necessary for the construction on an embankment of a railway having not more than two lines of rails with fences to the same and for a passenger station or stations and such sidings in connexion with such passenger station or stations as may be absolutely necessary for the convenient use thereof and for approaches thereto.

(B.) The Company shall construct that part of their line through the Commissioners' said estate which is co-extensive with the close numbered 13 on the plans deposited in respect of the said bill wholly on an embankment in the said close numbered 13 and in such line and such manner as that the southern boundary of such part of the said railway shall be conterminous with the southern boundary of the said close throughout its whole length.

(C.) In the construction of the railway the Company shall make and at all times thereafter maintain an underbridge in each of the closes numbered 6, 19 and 29 respectively at such point and crossing the roads designed for the development of the Commissioners' estate at such an angle as shall be indicated by notice in writing under the hand of the secretary for the time being of the Commissioners.

The bridge to be made in close numbered 29 shall have a span of not less than 50 feet between the supporting walls on each side and the bridges to be made in closes numbered 6 and 19 shall each have a span of 45 feet. Each bridge shall afford for every part of the roadway underneath the same a clear headway of 16 feet above the present surface of the ground and shall be constructed and for ever maintained in a water-tight condition and free from drip.

(D.) The Commissioners may at any time either before or after the construction of the railway make and maintain underneath the bridges to be constructed as provided in sub-section C such roads paths sewers drains and gas and water mains as they may think fit.

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(E.) The Commissioners may with the consent of the engineer of the Company plant and keep planted with shrubs and ornamental trees such parts of every embankment constructed by the Company on their said estate as may not for the time being be used for the purposes of the authorised works of the Company.

(F.) No goods or mineral station depôt or sidings shall be at any time made upon any lands belonging to the Commissioners without the consent in writing of the Commissioners under their common seal.

(G.) The Company shall fence off from the residue of the said estate of the Commissioners the lands taken therefrom under the powers of this Act by a neat strong iron hurdle fence or by a brick wall not less than 5 feet in height.

(H.) All the works to be executed by the Company for the protection and accommodation of the Commissioners shall be executed in accordance with plans sections and drawings to be previously agreed upon between the engineers of the Company and of the Commissioners for the time being and shall be completed to the satisfaction of the engineer of the Commissioners. And in the event of the engineers differing in opinion the matter with respect to which they differ shall be referred to and executed according to the direction of an umpire appointed by them and failing agreement as to such appointment by an engineer to be appointed on the application of the Company or the Commissioners by the President for the time being of the Institute of Civil Engineers. The costs of such application and of any reference to arbitration under this provision shall be in the discretion of the umpire.

(I.) The provisions in this section contained shall be in addition to and not in substitution for all the provisions contained in this Act and in the Acts incorporated therewith for the accommodation of lands adjoining the railway.

For protection of Goldsmith's Company.

46. For the protection of the East Acton Estate in the county of Middlesex (in this section called "the estate") belonging or reputed to belong to the wardens and commonalty of the Mystery of Goldsmiths of the city of London herein-after in this enactment referred to as the "Goldsmiths' Company" the following provisions shall have effect that is to say:—

(A.) Every bridge for carrying the railway over any intended road street or footpath upon the estate shall be of an ornamental character or design brick or girder to be reasonably

approved by the surveyor for the time being of the Goldsmiths' Company under his hand.

(B.) Every such bridge shall be made and maintained watertight and shall be so constructed as to deaden the sound of engines carriages and traffic passing over the same.

(C.) Every such bridge shall have a clear headway of 16 feet over the whole width of and from the surface of such road street or footpath and the basis for the measurement of such headway shall be the existing surface of the ground.

(D.) The Company shall not acquire by compulsion from the Goldsmiths' Company any parts of the estate other than the lands absolutely necessary to be so acquired for the (1) construction of the railway and for (2) a passenger station or stations and (3) approaches and (4) sidings.

(E.) The Company at the time of the construction of the railway and before opening the same for traffic shall make and at all times thereafter maintain bridges for carrying the railway over certain intended roads in the following closes numbered on the deposited plans as follows viz.:—One bridge in the close Nod. 22 in the parish of Acton one bridge in the close Nod. 31 or the close Nod. 32 in the parish of Acton or partly in one and partly in the other of those closes. Two bridges in the close Nod. 69 in the parish of Acton. One bridge in the close Nod. 80 or the close Nod. 81 in the parish of Acton or partly in one and partly in the other of those closes. The position direction width and other details of such bridges to be specified by a notice in writing under the hand of the clerk to the Goldsmiths' Company within thirty days after the service by the Company upon the Goldsmiths' Company of notice to treat for the purchase of the lands required for the railway.

(F.) No goods or mineral station depôt or siding shall at any time be made upon any of the lands now belonging to the Goldsmiths' Company or within 200 yards of any of such lands without the consent of the Goldsmiths' Company under the hand of their clerk.

(G.) All lands of the Goldsmiths' Company acquired by the Company shall upon the completion of the purchase be forthwith fenced off from the other lands of the Goldsmiths' Company by a neat strong iron fence or by a brick wall not less than 5 feet in height.

(H.) Before opening the railway for public traffic the Company shall construct and for ever after maintain the following

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passenger stations—that is to say (1) a station at or in immediate connexion with the Old Oak Road which is intended to be crossed by the railway (2) a station immediately adjoining the public road numbered on the deposited plans 61 in the parish of Acton which is intended to be crossed by the railway which station shall be if practicable upon the north side of the said road.

(I.) The Goldsmiths' Company shall be at liberty at any time or times and from time to time as well during the construction of the railway as subsequently to such construction at their unrestricted discretion to make lay maintain or alter beneath the bridges to be constructed by the Company upon the estate as herein-before provided all such roads paths sewers drains gas or water mains and other mains or pipes as they may find necessary or think fit in the development of the estate.

(J.) The Goldsmiths' Company may at any time after the construction of the railway plant and keep planted with ornamental trees and shrubs such parts of the embankments or slopes of the railway so far as the same shall be constructed through the estate as may not be otherwise used or required by the Company for the purpose of working the railway. Provided always that such planting shall be conducted under the supervision and reasonable control of the engineer for the time being of the Company.

(K.) All works for the protection and accommodation of the Goldsmiths' Company shall be executed under the supervision and reasonable control of the surveyor for the time being of the Goldsmiths' Company.

(L.) In the event of the properties or any of the properties Nod. respectively on the deposited plans 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55 and 58 in the parish of Acton or any portions of those properties or any of them respectively becoming superfluous lands within the meaning of the Lands Clauses Consolidation Act 1845 the Goldsmiths' Company shall have and may exercise as against the Company the sole right of pre-emption with respect to all or any of such superfluous lands and the provisions of the last named Act as to the sale of superfluous lands shall apply to such right of pre-emption.

(M.) The provisions in this enactment contained shall be in addition to and not in substitution for all the provisions contained in this Act and in the Acts incorporated therewith for the benefit or protection of the Goldsmiths' Company.

(N.) In the event of any difference arising between the Company and the Goldsmiths' Company as to the construction of any of the provisions of this enactment or as to any other matter or thing arising upon or out of this enactment the same shall be referred to an umpire to be appointed by the Company and the Goldsmiths' Company and failing agreement as to such appointment by an umpire to be appointed on the application of either party by the President for the time being of the Institute of Civil Engineers. The costs of such application and of any reference to arbitration under this provision shall be in the discretion of the umpire.

Company to give notice before taking dwellings of labouring classes.

47. The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either in whole or in part by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards hand-bills 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 the Company have in manner required by this section made known their intention to take the same.

Company to provide accommodation for persons of the labouring classes to be displaced.

48. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless the Company and such person or persons otherwise agree) provide sufficient accommodation elsewhere for such person or persons and they may contribute towards the costs or expenses of erecting or providing houses or buildings for such accommodation by any company body or person. Provided always that if any question arises as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may apply for the purposes of this section any moneys they are empowered to raise under the authority of this Act.

Deposit fund not to be repaid except so far as railway opened.

49. 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 six thousand and thirty-one pounds consolidated three per centum annuities being equal to five per centum upon the amount of the estimate in respect of the railway has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund. Be it enacted that nothwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the

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majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the abovementioned Act to the contrary notwithstanding.

Application of deposit fund.

50. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the solicitor of Her Majesty's Treasury and shall be carried to and form part of the consolidated fund of the

United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become 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 depositors.

Period for completion of works.

51. 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 &c.

52. 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 any person threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile :

Class 1. For any horse mule or other beast of draught or burden fourpence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny :

Class 2. For any ox cow bull or head of neat cattle threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny :

Class 3. For any calf pig sheep lamb or other small animal one penny per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one halfpenny.

In respect of goods and minerals conveyed upon the railway :—

Class 4. For all coals culm cinders cannel ironstone iron ore limestone chalk sand slag and clay (except fire-clay) dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton per mile one penny halfpenny and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny :

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Class 5. For all coke charcoal pig iron bar iron rod iron hoop iron plates of iron wrought iron heavy iron castings railway chairs slabs billets and rolled iron lime bricks tiles slates salt fire-clay and stone copper ore lead ore tin ore antimony and manganese and all other ores minerals and semi-metals per ton per mile twopence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny:

Class 6. For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile threepence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny:

Class 7. For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton per mile fourpence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of 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 conveyed on a truck or platform belonging to the Company sixpence per mile and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

53. 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.

54. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say):

Short distances.

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

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods and minerals for such fraction in proportion to the numbers 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 and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

Fractional parts of a ton.

For a fraction of a ton the Company may demand tolls according to the number of 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:

General weight.

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

Weight of stone and timber.

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 articles of great weight.

55. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in 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:—

For any parcel not exceeding seven pounds in weight three pence:

For any parcel not exceeding fourteen pounds in weight five-pence:

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

For any parcel not exceeding fifty-six pounds in weight nine-pence:

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they may 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 on the railway:

For the carriage of any one 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 such sum as they think fit not exceeding one shilling per ton per mile:

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber or stone 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.

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Maximum rates for passengers.

56. The maximum rate 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 halfpenny per mile.

Maximum rates for animals and goods.

57. The maximum rate of charge to be made by the Company for the conveyance of animals goods and minerals (except such small parcels and single articles of great weight as aforesaid) on the railway including the tolls for the use of the railway and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading or unloading or warehousing 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 animal in Class 1 fourpence per mile :

For every animal in Class 2 threepence per mile :

For every animal in Class 3 one penny per mile :

For everything in Class 4 one penny halfpenny per ton per mile :

For everything in Class 5 twopence per ton per mile :

For everything in Class 6 threepence per ton per mile :

For everything in Class 7 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 if weighing more than one ton one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

Passengers luggage.

58. 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 station.

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

Classification table to be open to inspection and copies to be sold.

60. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

36 & 37 Vict. c. 48.

Foregoing restrictions not to apply to special trains.

61. The restrictions in this Act contained as to the charges to be made for passengers and articles shall not extend to any special trains that may be required to be run on the railway 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 on the railway.

Company may take increased charges by agreement.

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

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Power to enter into working and traffic arrangements.

63. The Company on the one hand and the Great Western Railway Company and the Metropolitan Railway Company 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 or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect contracts and agreements for and with respect to the following purposes or any of them (that is to say):

The working use management and maintenance of the railway or part or parts thereof;

The supply and maintenance for the purposes of any contract or agreement for the working and use of the railway by the Great Western Railway Company and the Metropolitan Railway Company or either of those companies of engines stock and plant necessary for the purposes of such agreement and the employment of officers and servants for the conveyance and conduct of traffic on the railway;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies.

The fixing collection payment appropriation division and distribution of the tolls rates income and profits arising from the respective railways and works or any part of the railways and works of the contracting companies.

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

64. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway or any part thereof by any other company or companies the railway of the Company and of such other company or companies 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 of the Company and partly on any other railway for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three 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 of the Company and partly on the railway of such other company or companies.

Interest not to be paid on calls paid up.

65. 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 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 capital.

66. 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 in Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

67. 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 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.

Costs of Act.

68. All costs charges and expenses of and incidental 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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