CHAPTER cxxviii.

An Act to confer further powers on the London Brighton and South Coast and London and South Western Railway Companies to authorise certain alterations of the Chipstead Valley Railway and for other purposes. A.D. 1896.

[20th July 1896.]

WHEREAS it is expedient that powers should be conferred upon the London Brighton and South Coast Railway Company (who are herein-after referred to as "the Company") to make the railway widenings and other works in this Act described and to raise additional capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas it is expedient to empower the Company and the London and South Western Railway Company jointly to acquire certain lands and execute the works herein-after described in the parish of Portsea in the county of Southampton:

And whereas under the Chipstead Valley Railway Act 1893 the Chipstead Valley Railway Company (herein-after referred to as "the Chipstead Company") were empowered to make the railways and works in that Act described some portions of which will pass immediately alongside the Company's main line of railway from Croydon to Redhill between their Stoat's Nest and Purley Stations and under the London Brighton and South Coast Railway Act 1894 the Company were authorised to make new railways between Croydon and Earlswood comprising a piece of railway consisting of a widening of their said main line between Stoat's Nest and Purley on the western side thereof and between their said main line and portions of the authorised railways of the Chipstead Company: 56 & 57 Vict. c. cliii. 57 & 58 Vict. c. civ.

And whereas since the passing of the said Acts the Company and the Chipstead Company have entered into arrangements with respect to the construction of certain portions of their respective railways and it is expedient that in order to give effect to such arrangements the Chipstead Company should abandon certain

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portions of their Railways Nos. 3 and 6 authorised by the said Act of 1893 and in lieu thereof should construct the deviation railway herein-after described and also that the Company should be empowered to divert the public road at Stoat's Nest herein-after mentioned and to enter into and carry into effect agreements with the Chipstead Company with reference to the construction by the Company of certain portions of the Chipstead Company's railway which will run immediately alongside the widened lines of the Company:

And whereas it is also expedient to confer powers on the Company for alterations of Railway No. 1 authorised by the London Brighton and South Coast Railway Act 1894 and with respect to various other matters as in this Act set forth:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and the lands required or which may be taken for the purposes thereof and plans of the lands which may be acquired under this Act and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the respective clerks of the peace for the counties of London Surrey and Southampton and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited for all purposes as the London Brighton and South Coast Railway Act 1896.

Incorporation of Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I of the Railways Clauses Act 1863 (relating to the construction of a railway) are subject to the provisions of and except where varied by this Act incorporated with and form part of this Act.

Extending certain provisions of Companies Clauses Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing payment of calls;
The forfeiture of shares for non-payment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

and also Parts I II and III of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by the Companies Clauses Act 1869 shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by the Company by shares or stock or borrowing or debenture stock and the proprietors thereof.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction 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 partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute:

"The railways" means and includes the widenings of the railways the deviation of portions of the Chipstead Valley Railway and the other works by this Act authorised.

Power to make works.

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 widenings (including in that expression the alteration and the improvement of and the laying down of additional lines of rails) of railways and the works hereinafter 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 deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say):—

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Widenings of Croydon and Balham and Wimbledon and Croydon Lines.

Widening of Croydon and Balham Line—Commencing in the parish of Streatham in the county of London by a junction with Widening No. 3 of the Company's railway authorised by the London Brighton and South Coast Railway (Various Powers) Act 1890 at a point nineteen chains or thereabouts north of the bridge carrying their Peckham and Sutton line over their line from Victoria to Croydon and terminating in the borough and parish of Croydon by a junction with the main line of the Company between London Bridge and Croydon at a point twenty chains or thereabouts north of the Bridge carrying Saint James' Road in the said borough over the Company's main line:

Widening of Wimbledon and Croydon Line—Commencing in the borough and parish of Croydon by a junction with the Company's line from West Croydon to Epsom at a point one chain or thereabouts southward of the bridge carrying the London road over the said line near West Croydon Station and terminating in the said parish of Croydon by a junction with the Company's line from West Croydon to Wimbledon at a point one chain or thereabouts south-eastward of the point where the Waddon Marsh Lane crosses the said line from West Croydon to Wimbledon on the level.

Extension of Tunnel at Merstham.

An extension of the tunnel in the parish of Merstham and county of Surrey on Railway No. 1 authorised by the London Brighton and South Coast Railway Act 1894 at both the north and south ends thereof and the construction in tunnel of a portion of the said railway originally proposed to be in cutting;

The northern extension will commence at the northern end of the tunnel as shown on the deposited plans and sections of the said Railway No. 1 authorised by the said Act at the distance of four miles one furlong four chains on the said plans and sections from the commencement of the said Railway No. 1 and will terminate about two hundred and twenty yards from the said northern end of the tunnel as shown on the said plans and sections;

The southern extension will commence at the southern end of the said tunnel as shown on the said plans and sections at a distance of three miles one furlong six chains on the said plans and sections from the commencement of the said authorised

Railway No. 1 and will terminate about one hundred and sixty yards from the said southern end of the tunnel as shown on the said plans and sections.

Chipstead Company to make deviation railway and abandon part of authorised railway.

6. Subject to the provisions of this Act the Chipstead Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway and works 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 deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say):—

A deviation railway (one mile four chains or thereabouts in length) wholly in the parish of Coulsdon and county of Surrey commencing by a junction with Railway No. 6 authorised by the Chipstead Valley Railway Act 1893 at a point shown on the plans deposited in relation to that Act as fifteen and a half chains or thereabouts from the commencement thereof and terminating by a junction with Railway No. 3 authorised by the said Act at a point shown on the said plans as one mile from the commencement of the said Railway No. 3:

And the Chipstead Company shall abandon the construction of the following portions of the railways authorised by the Chipstead Valley Railway Act 1893 viz.:—

So much of Railway No. 3 authorised by the said Act as is situate to the northward and eastward of the point marked on the deposited plans and sections of the said railway as one mile from the commencement thereof;

So much of Railway No. 6 authorised by the said Act as extends from a point shown on the said plans and sections as fifteen and a half chains from the commencement of the said Railway No. 6. to the termination of the said Railway No. 6.

Compensation for damage to land by entry &c.

7. The abandonment by the Chipstead Company under the authority of this Act of the said portions of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Chipstead Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Chipstead Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards

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such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Chipstead Valley Railway Act 1893.

Compensation to be made in respect of portions of railway abandoned.

8. Where before the passing of this Act any contract has been entered into or notice given by the Chipstead Company for the purchasing of any land for the purposes of or in relation to the said portions of railway the Chipstead Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Chipstead Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Deviation railway to form part of Chipstead Valley Railway.

9. The deviation railway of the Chipstead Company by this Act authorised shall subject to the provisions of this Act and of the Chipstead Valley Railway Act 1893 be in respect of tolls rates and charges and in all other respects comprised in the undertaking of the Chipstead Company.

Power to Company and Chipstead Company to make agreements.

10. Subject to the provisions of this Act the Chipstead Company and the Company may enter into and carry into effect agreements with respect to the construction of any part of the Chipstead Valley Railway including the deviation thereof by this Act authorised and with respect to the payments and contributions to be made by each of them towards the costs charges and expenses incurred in respect thereof.

Alteration of road at Stoat's Nest.

11. The Company in connexion with the deviation railway herein-before described may make a diversion of the road crossing the Company's railway on the level at Stoat's Nest (Goods) Station commencing by a junction with the main road from Croydon to Brighton at the point of the junction therewith of the road to be altered passing under the railways of the Company and the Chipstead Company at a point five and a half chains or thereabouts northward of the level crossing over the Company's railway at Stoat's Nest (Goods) Station and terminating by a junction with the Stoat's Nest Road at a point one and a half chains or thereabouts eastward of the Company's railway The said diversion shall be in substitution for the alterations of the said road as authorised by the London Brighton and South Coast Railway Act 1894 and as shown on the deposited plans referred to in that Act.

Further provisions as to construction of Railway No. 2 authorised by Act of 1894.

12. The Company in constructing Railway No. 2 authorised by the London Brighton and South Coast Railway Act 1894 between Stoat's Nest and Purley Stations may construct the embankment for the purposes thereof (between a point on the deposited plans and sections referred to in the said Act three furlongs from the commencement of the said authorised Railway No. 2 and a point one mile from the commencement thereof) so as to admit of the same being utilised for the deviation railway of the Chipstead Company authorised by this Act.

For the protection of the London County Council.

13. With reference to the works authorised by this Act to be constructed within the county of London the following provisions for the protection of the London County Council (herein-after called "the council") shall have effect:—

(1) The Company shall not alter or in any way interfere with the road called Greyhound Lane (numbered on the deposited plans 6 in the parish of Streatham) or with the structure of the bridge carrying the same over the railway of the Company so as to affect the said road unless they widen the said bridge throughout so that it shall provide a thoroughfare of a clear width of not less than forty feet:

(2) In constructing the additional length of bridge (herein-after referred to as "the widened bridge") over the roadway numbered on the deposited plans 9 in the parish of Streatham in the county of London to carry their widened line over the same the Company shall so construct the widened bridge as to leave a clear width throughout in every part of not less than forty feet measured on the square between the abutments thereof and the said abutments shall be lined with white glazed bricks or tiles which shall be at all times maintained cleansed and kept in proper condition by the Company:

(3) If at any time after the passing of this Act the council shall give notice in writing under their common seal to the Company requiring them to alter the existing bridge carrying the railway of the Company over the said roadway numbered on the deposited plans 9 in the parish of Streatham and to reconstruct the same as a girder bridge with a clear headway throughout of not less than sixteen feet above the present surface of the road and with a clear span throughout of not less than forty feet the Company shall alter and reconstruct the said bridge accordingly so as to correspond with the widened bridge referred to in sub-section (2) of this section Provided that the Company shall not be required to commence such alteration and reconstruction until the widening of the railway over the

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said road shall be open for traffic and provided that when the Company shall have altered and reconstructed the said bridge pursuant to any such notice and in accordance with the provisions herein-before contained to the reasonable satisfaction of the engineer of the council the council shall repay to the Company the necessary and proper costs of such alteration the amount of which unless otherwise agreed shall be settled by arbitration :

(4) All bridges and works constructed as aforesaid shall be of a reasonably ornamental character and design and shall be made and maintained as far as is practicable so as to prevent the dripping of water therefrom on any part of any street road footway area or forecourt and so as to deaden so far as is reasonably practicable the sound of engines carriages and traffic passing over them and the parapets of such bridges and works shall be carried up to a height of seven feet six inches above rail level :

(5) The Company shall not execute or commence the alteration or erection of any such bridges or works as aforesaid until they shall have given to the council twenty-one days' notice in writing of their intention to commence the same by leaving such notice at the office of the council with plans elevations sections and other necessary particulars of the construction of the said bridges and works and until the council shall have signified their approval of the same unless the council fail to signify such approval or their disapproval 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 the reasonable directions and regulations of the council in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the council 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 council at the costs charges and expenses in all respects of the Company and all costs charges and expenses to which the council may be put 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 council by the Company on demand :

(6) The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised

by this Act within the county of London within view of any public street any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the council and if any such placard or advertisement be affixed or exhibited the council and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the front of any station placards giving information to the public as to the traffic of the Company.

Buildings not to be brought beyond general line &c.

14. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company under any powers therein contained to encroach upon any part of the surface of any public street or footway in the county of London or without the consent of the London County Council to erect or maintain any building projecting beyond the general line of frontage in Ellison Road and Greyhound Lane in the parish of Streatham.

For protection of the corporation of Croydon.

15. With reference to the works authorised by this Act to be constructed within the borough of Croydon the following provisions for the protection of the corporation of Croydon shall have effect:—

(*a*) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Company in constructing the additional portions of the existing bridges next herein-after mentioned for the purpose of carrying their widened line over the roads passing under the same shall construct the same respectively of the following height and span and shall be subject to the conditions with respect thereto herein-after mentioned:—

Name of Road.	Number on deposited Plan.	Headway not to be less than	Span between Abutments.
London Road -	2	16 feet -	40 feet.
Dagnall Park Road -	16	12 feet -	40 feet.
Selhurst Road -	27	15 feet -	40 feet.

(*b*) The Company shall make the additions to the said bridges mentioned in sub-section (*a*) of girder construction and the same shall so far as practicable be made and maintained so as to prevent the dripping of water upon the roads and footways and the parapets thereof shall be constructed and maintained at a height of not less than five feet above the rail level:

(*c*) If at any time after the passing of this Act the corporation shall give notice in writing to the Company under the hand of the town clerk of the borough requiring them to alter the

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existing portions of the said three bridges or any of them and to reconstruct the same respectively with a clear headway throughout of not less than that specified in such sub-section above the present surface of the respective roads and with a clear span throughout of not less than that also therein specified so as to make the old portions of the said bridges correspond with the new portions thereof the Company shall alter and reconstruct the bridge or bridges referred to in the said notice accordingly Provided nevertheless that when the Company shall have altered and reconstructed the existing portions of the said bridge or bridges pursuant to any such notice the corporation shall repay to the Company the costs and expenses of and incident to such alteration and reconstruction the amount of which unless otherwise agreed shall be settled by arbitration as herein-after provided:

(*d*) The Company shall not fix or exhibit or permit to be fixed or exhibited upon any of the said bridges any placard or advertisement except such as shall have been approved in writing by the said town clerk and if any placard or advertisement be fixed or exhibited contrary hereto the corporation by their authorised officers may remove the same:

(*e*) Any matter to be settled by arbitration under this section shall be referred to and determined by an engineer to be appointed on the application of either party by the president for the time being of the Institution of Civil Engineers.

For protection of the Croydon Tramways Company.

16. Nothing in this Act contained shall authorise the Company to alter affect or otherwise interfere with the tramways and undertaking of the Croydon Tramways Company without the written consent of that company being first obtained.

Closing level crossing near Norbury Station.

17. Subject to the provisions of this Act the Company may stop up and extinguish all rights of crossing on the level over their railway at a point about seventeen chains to the south of Norbury Station in the parish of Croydon and county of Surrey:

Provided nevertheless that they shall not stop up the public rights of bridleway over the said crossing until they shall have first constructed instead thereof a new road on the north side of their railway to connect the bridleway on the north side thereof with the high road from Streatham to Croydon and the Company shall maintain the said new road or procure the same to be maintained until the same shall be taken over by the corporation of Croydon and further that they shall not stop up the public rights of footway over their railway existing at the said point until they shall have first provided a footbridge at or near the site of the said level

crossing to connect the footpaths on both sides of the railway but when they have completed and opened the said new road and shall have erected and opened the said footbridge all rights of way over that portion of the foot and bridleway which is within the boundaries of the Company's property (other than the right of foot passengers to pass over the said railway by means of the said footbridge) shall cease and be extinguished.

Power to take easements &c. by agreement.

18. Persons empowered by the Lands Clauses Act to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privelege (not being an easement right or privilege of water in which other persons than the parties to the agreement have an interest) 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.

Power to purchase additional lands.

19. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement for the purposes connected with their undertaking the lands hereinafter described which are delineated upon the deposited plans and described in the deposited books of reference viz. ;—

Lands in the parish of Sutton in the county of Surrey near the Sutton Station of the Company situate between that station and the Wellesley Road and the Brighton Road.

Period for compulsory purchase of lands.

20. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of railways.

21. If the railways authorised by this Act are 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 those railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Railways to form part of railways of the Company.

22. The railways and widenings of railways and the works connected therewith respectively executed under the authority of this Act (other than the portions of the Chipstead Valley Railway to be deviated) shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the London Brighton and South Coast Railway and comprised in the undertaking of the Company.

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Lands for extraordinary purposes.

23. The quantity of land to be taken by the Company under the powers of this Act by agreement in connexion with their undertaking for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Restrictions on displacing persons of labouring class.

24.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as that Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of that Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after that Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have

approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by that Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

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(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses or any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of that Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty

shillings a week and the families of any of such persons who may be residing with them.

(13) The provisions of this section mutatis mutandis shall extend and apply to the Company and the London and South Western Railway Company and to the Chipstead Company respectively in relation to the powers of purchasing and holding lands conferred on the said two Companies and on the Chipstead Company respectively by this Act.

Powers to Company and London and South Western Railway Company (works at Portsmouth).

25. Subject to the provisions of this Act the Company and the London and South Western Railway Company (herein-after referred to as "the two Companies") or either of them with the consent of the other may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and may exercise the powers herein-after mentioned and may for the purposes aforesaid enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes making compensation in accordance with the Lands Clauses Acts to all persons injuriously affected by the exercise of the powers contained in this section :—

The two Companies or either of them with the consent of the other may in the parish of Portsea and county of Southampton—

(A) Make a new street or road to commence in Dorset Street opposite the east end of Station Street and to terminate in Durham Street at a point eighty yards or thereabouts to the northwards of the junction of the said Durham Street with Railway View ;

(B) Stop up and extinguish all rights of way over so much of Dorset Street as lies to the south of the east end of Station Street being the point of intersection with the proposed new road and so much of Railway View as is situate between the south end of Durham Street and the south end of Dorset Street ;

(c) Stop up and extinguish all rights of way (if any) over the passage way or yard leading from Station Street through Piercy's Buildings to the road abutting on the west side of No. 4 Station Street :

Provided that no street passage or way shall be stopped up under the powers of this section until the Companies or one of them have become owners in possession of all premises abutting on such street passage or way the access to which will be interfered with by such stopping up.

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Vesting of site and soil of portions of roads &c. stopped up.

26. The site and soil of the several roads streets and footpaths or portions thereof in the said parish of Portsea authorised to be stopped up and discontinued and the fee simple and inheritance thereof shall (subject to the acquisition of any existing private rights of way thereover by the two Companies) be from the time of the stopping up thereof respectively absolutely vested in the two Companies.

Power to the two Companies to purchase additional lands at Portsmouth.

27. Subject to the provisions of this Act the two Companies in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement for the purposes connected with their joint undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference viz. :—

Lands situate on the south side of and lying between Station Street and the Portsmouth Town Station or other property of the two Companies.

For the protection of the corporation of Portsmouth.

28. For the protection of the mayor aldermen and burgesses of the borough of Portsmouth (in this section referred to as "the corporation") the following provisions shall have effect unless otherwise agreed in writing between the corporation and the two Companies (that is to say) :—

(1) Notwithstanding anything to the contrary in this Act contained or shown on the deposited plans and sections the two Companies shall construct the new street in the parish of Portsea by this Act authorised of a clear width throughout including the footpaths on either side of thirty-six feet with a footpath on each side of the width of six feet and the said street shall be sewered paved metalled rolled flagged kerbed channelled and drained by the two Companies in accordance with the byelaws of the corporation to the reasonable satisfaction of their borough engineer and shall be maintained and kept in repair by the two Companies for twelve months from the completion of the said street after which period the maintenance and repair thereof shall be taken over by the corporation :

(2) The two Companies shall also widen Durham Street on the western side thereof from the point where the new street referred to in the last sub-section will join the same to its termination in Railway View so that the same shall be (including the footpaths) of a width of thirty-six feet between those points and they shall widen the existing footway on the east side of Durham Street to six feet and form a footway of the width of six feet on the west side of such street when

widened as aforesaid and such street when widened and the footpaths on each side thereof shall be paved metalled rolled flagged kerbed and channelled by the two Companies in accordance with the byelaws of the corporation to the reasonable satisfaction of their borough engineer and shall be maintained and kept in repair by the two Companies for twelve months from the completion of the said street after which period the maintenance and repair thereof shall be taken over by the corporation:

(3) The two Companies shall also in connexion with the construction of the said new street and widening of Durham Street divert the pipe sewer running along that portion of Dorset Street and Railway View which is to be stopped up so that the same as diverted shall pass along the new street and Durham Street:

(4) The two Companies shall not stop up and extinguish the rights of way in the parish of Portsea which they are authorised to stop up and extinguish under this Act until they have constructed the said new street and widened Durham Street in accordance with the provisions of this section and shall have opened the same for public traffic:

(5) All works to be executed under the provisions of this section and all works affecting the streets sewers drains or other property vested in the corporation shall be executed at the cost in all respects of the two Companies and to the reasonable satisfaction and under the superintendence of the borough engineer and in accordance with plans sections and specifications to be submitted by the two Companies to the corporation and approved before the commencement of the works by such engineer Provided that if such engineer do not within one month after the submission thereof signify his approval or disapproval or his requirements in respect of such plans sections and specifications respectively he shall be deemed to have approved thereof:

(6) The two Companies shall be liable to pay and shall pay to the corporation any damages penalties costs charges or expenses which the corporation may be legally liable to pay and shall have so paid in respect of any loss or damage consequent upon or arising from the execution or maintenance by the two Companies of any works under the authority of this Act and all moneys so paid by the corporation shall be repaid to the corporation by the two Companies on demand and in default thereof may be recovered by the corporation from the two

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Companies in like manner as a debt is ordinarily recoverable at law:

(7) In case of any difference arising between the two Companies and the corporation or their respective engineers concerning the true intent and meaning of any of the provisions of this section or the construction or carrying into effect of any of the works matters or things to be done or performed under this section the same shall be referred to an arbitrator to be nominated on the application of either party by the president for the time being of the Institution of Civil Engineers and the expenses of such arbitration shall be borne and paid as the arbitrator shall direct.

Company may apply their funds and raise additional capital.

29. The Company may apply towards the construction of the railways and works by this Act authorised and other purposes of this Act any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise for the same purposes and for the general purposes of their undertaking any additional capital not exceeding in the whole three hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively which shares or stock shall form part of the general capital of the Company.

Shares or stock not to vest until one-fifth part paid up.

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

Qualification of new shares or stock.

31. Except as by or under the powers of this Act otherwise provided the new shares or stock issued under the powers of this Act shall in proportion to the aggregate amount thereof from time to time held by the same person at the same time and paid up entitle the respective holders thereof to the same dividends and profits and confer on them the like qualifications and the like right of voting as the like amount of shares or stock of the Company of the same class or description.

Power to borrow.

32. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one hundred

thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares 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 such 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 until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid 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 so far as the said additional capital is raised by shares that such persons or corporations or 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.

Debenture stock.

33. 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 after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

34. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Appointment of receiver.

35. All enactments in force under any Act relating to the Company with respect to the appointment of a receiver by mortgagees of the undertaking of the Company are hereby repealed but without

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prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such enactment.

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

Application of moneys.

36. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company being in each case purposes to which capital is properly applicable.

Receipt in case of persons not sui juris.

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

Holding of stock or shares by bodies corporate.

38. Stock and shares of the Company may be transferred to and held in the names of an individual and a body corporate and any such holding shall in its relation to the Company be deemed a joint tenancy.

This section shall apply to stock and shares of the Company of every class and description except so far as there is anything to the contrary in any Act under which the stock or shares was or were created.

South Western Company may apply funds.

39. The London and South Western Railway Company may apply towards the construction of the works by this Act authorised and other purposes of this Act which they are authorised to effect jointly with the Company any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Interest on calls not to be paid out of capital.

40. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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 capital.

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

Provision as to general Railway Acts.

42. Nothing in this Act contained shall exempt the Company or their railways 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.

Costs of Act.

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

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