CHAPTER cxx.

An Act to confer further powers on the London Brighton and South Coast Railway Company and for other purposes. A.D. 1903.

[21st July 1903.]

WHEREAS it is expedient that powers should be conferred upon the London Brighton and South Coast Railway Company (who are hereinafter referred to as "the Company")—

To make the railways widenings and other works in this Act described; and

To purchase additional lands and to use the same for the purposes by this Act authorised:

And whereas it is expedient that power should be conferred upon the Company to make alterations of their railway stations and works so as to adapt the same for working by electrical power and that power should also be conferred on them to acquire the lands at Deptford in the County of London hereinafter described and to erect a generating station thereon:

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas it is also expedient that the period limited by the London Brighton and South Coast Railway Act 1898 for the completion of certain works and the period limited by the London Brighton and South Coast Railway (Various Powers) Act 1900 for the compulsory purchase of certain lands as in this Act mentioned should be extended as hereinafter provided: 61 & 62 Vict. c. cxi. 63 & 64 Vict. c. xxx.

And whereas it is expedient that the other provisions of this Act should be made:

And whereas plans and sections showing the lines and levels of the railways widenings and works authorised by this Act and the lands required or which may be taken for the purposes thereof and

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plans of the lands which may be acquired under this Act and a book 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 Sussex and Southampton and the said plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference respectively :

And whereas the objects 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 King'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 1903.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 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 the means of enforcing the 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 the 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 subsequent Acts shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing 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:

"Railway" or "railways" means the new railways and widenings of existing railways by this Act authorised.

Interpretation of term "parish clerks" &c.

5. The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall as regards the administrative county of London mean the town clerks of the metropolitan boroughs.

Power to make railways &c.

6. 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 railways and the widenings of railways (including in that expression the alteration and improvement of existing railways and the laying down of additional lines of rails) hereinafter described with all proper stations sidings approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes (that is to say):—

New Railways.

A Railway (No. 1) (2 furlongs 1 chain or thereabouts in length) in the parish of Saint Paul Deptford in the metropolitan borough of Deptford in the county of London commencing by a junction with the Old Kent Road spur railway of the Company near the bridge carrying that railway over Cold Blow Lane and terminating on the eastern side of the East London Railway at a point 10 chains or thereabouts south of the bridge carrying the said East London Railway over the Surrey Canal:

A Railway (No. 2) (2 furlongs 2 chains or thereabouts in length) wholly situate in the said parish of Saint Paul

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Deptford commencing by a junction with the sidings of the Company on the east side of their railway at New Cross and terminating near the Surrey Canal:

A Railway (No. 3) (7 furlongs 0·10 chain or thereabouts in length) in the county of Sussex commencing in the parish of Keymer Urban in the urban district of Burgess Hill by a junction with the "down line" of the Company's London and Brighton main line at Wivelsfield Station and terminating in the parish of Ditchling by a junction with the "down line" of the Company's Keymer branch railway:

A Railway (No. 4) (7 furlongs 2·10 chains or thereabouts in length) commencing in the said parish of Keymer Urban by a junction with the "up line" of the Company's London and Brighton main line and terminating in the said parish of Ditchling by a junction with the "up line" of the Company's Keymer branch railway:

A Railway (No. 5) (7 furlongs 2·30 chains or thereabouts in length) commencing in the said parish of Keymer urban by a junction with the "down line" of the Widening No. 4 (hereinafter described) on the western side of Wivelsfield Station and terminating in the said parish of Ditchling by a junction with the "down line" of the Company's Keymer branch railway:

A Railway (No. 6) (7 furlongs 4·30 chains or thereabouts in length) commencing in the said parish of Keymer urban by a junction with the "up line" of the Widening No. 4 (hereinafter described) and terminating in the said parish of Ditchling by a junction with the "up line" of the Company's Keymer branch railway.

Widenings of existing Railways.

A Widening (No. 1) of the Company's railway on the eastern side thereof wholly situate in the parish of Saint Mary Battersea in the metropolitan borough of Battersea in the county of London commencing at the bridge carrying Saint John's Hill over the said railway and terminating at a point thereon 18 chains or thereabouts north-east of the bridge carrying the said railway over Falcon Road:

A Widening (No. 2) of the Company's London and Brighton main line on the western side thereof commencing in the parish of Worth at a point 19 chains or thereabouts from the

northern face of Balcombe Tunnel and terminating in the parish of Ardingly near the bridge carrying Copyhold Lane over the said railway :

A Widening (No. 3) of the Company's said London and Brighton main line on the eastern side thereof commencing in the parish of Ardingly at a point 7 chains or thereabouts north of the bridge carrying Copyhold Lane over the said railway and terminating in the parish and urban district of Haywards Heath at a point 17 chains or thereabouts south of the southern face of Haywards Heath Tunnel :

A Widening (No. 4) of the Company's said London and Brighton main line on the western side thereof commencing in the parish and urban district of Haywards Heath at a point 13 chains or thereabouts from the southern face of Haywards Heath Tunnel and terminating in the said parish of Keymer urban at a point 6 chains or thereabouts south of Burgess Hill Station :

A Widening (No. 5) of the Company's London and Brighton main line on the western side thereof commencing in the parish of Keymer near Hassocks Station thereon and terminating in the parish of Preston in the county borough of Brighton at or near Preston Park Station thereon :

A Widening (No. 6) of the Company's London and Portsmouth main line on the south side thereof commencing in the parish of Eastergate in the rural district of West Hampnett at a point 26 chains or thereabouts west of Barnham Junction Station and terminating in the parish of Barnham in the said rural district of West Hampnett at a point 21 chains or thereabouts east of the said station :

The said Widenings Nos. 2 3 4 5 and 6 will be situate wholly within the county of Sussex :

In connection with Widening No. 1 hereinbefore described the Company may divert the portion of the railway of the West London Extension Railway Company in the said parish of Saint Mary Battersea between the northern side of the bridge carrying Saint John's Hill thereover and a point 1 chain or thereabouts eastward from the centre of the bridge carrying the said railway over Falcon Road.

But nothing contained in this Act or shown on the deposited plans shall authorise the Company to enter upon take or use except by agreement with the London County Council any portion of the

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lands numbered on the deposited plans 20 21 22 23 and 24 in the parish of Saint Mary Battersea belonging or reputed to belong to the said council:

Provided always that nothing contained in this Act or shown on the deposited plans shall be deemed to authorise the Company without the consent of the mayor aldermen and councillors of the metropolitan borough of Battersea to stop up divert or interfere with that portion of Prested Road in the parish of Saint Mary Battersea which is coloured blue on the plan signed in triplicate by the Right Honourable Lord Brougham and Vaux the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (in this section referred to as "the signed plan") and the Company shall not stop up the footpath in the same parish and numbered 29 on the said deposited plans but shall for the purpose of carrying thereover the works connected with the diversion of the railways of the West London Extension Railway Company be at liberty to arch over so much of the same footpath as is coloured green on the signed plan The Company in carrying out the works connected with such diversion may as far as may be necessary for such arching over divert the said footpath but shall in any case leave a footpath of the same width at all parts thereof as the present footpath Notice of the stopping up of any part of Prested Road coloured blue on the signed plan shall be forthwith given by the Company to the London County Council.

Inclination of road at Patcham.

7. In altering for the purposes of this Act the road numbered on the deposited plans 8 in the parish of Patcham the Company may make the same of any inclination not steeper than one in thirteen.

Width of roadways over bridges.

8. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths hereinafter mentioned in connection therewith respectively (that is to say):—

No. on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
6	Ardingly - - -	Public road - - -	15 feet.
9	Keymer - - -	Public road - - -	20 feet.
50	Patcham - - -	Public road - - -	15 feet.

Power to divert roads as shown on deposited plans.

9. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

Railway.	Parish.	No. of Road on deposited Plans.
Widening No. 2 - -	Balcombe - - -	41
Widening No. 2 - -	Balcombe - - -	45
Widening No. 5 - -	Clayton - - -	33
Widening No. 5 - -	Pyecombe - - -	2

And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Company.

Level crossing to be abandoned.

10. When the Company shall have completed and opened for traffic the railways and works at Keymer Junction authorised by this Act they shall cease to use the existing level crossing over the road known as Junction Road and remove their rails therefrom.

For protection of East London Railway Company and of East London Railway Joint Committee.

11. Notwithstanding anything in this Act contained or shown upon the deposited plans the Company shall not without the consent of the East London Railway Company and of the East London Railway Joint Committee purchase or acquire any portion of the lands shown in blue colour on a plan which has been signed by Charles Langbridge Morgan on behalf of the Company and by Richard Lacey on behalf of the East London Railway Company and by William Henry Parsons on behalf of the East London Railway Joint Committee.

For protection of mayor aldermen and councillors of metropolitan borough of Deptford.

12. Notwithstanding anything in this Act contained or shown on the deposited plans the following provisions shall apply and have effect for the protection of the mayor aldermen and councillors of the metropolitan borough of Deptford (in this section referred to as "the Deptford Borough Council") unless otherwise agreed between the Company and the Deptford Borough Council :—

(1) The Company shall in carrying out their works in connection with Railways Nos. 1 and 2 by this Act authorised

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construct every bridge for carrying the said railways or either of them over the roadway known as Cold Blow Lane in the parish of Saint Paul Deptford in the metropolitan borough of Deptford (and which bridges may be of such width between the parapets as the Company's works may require) with a clear span of twenty feet between the abutments measured on the square and with a headway throughout of not less than twelve feet:

(2) The Company shall at their own cost make up and pave with granite setts so much of the said roadway as will be beneath the said bridges to be so constructed and the Deptford Borough Council shall in like manner make up and pave with granite setts the remainder of the said roadway which shall not be made up and paved by the Company (except such portion thereof as lies between the level crossing gates of the Company's Deptford branch railway) and shall so make up and pave and afterwards maintain and light the whole of the said roadway including the portions thereof made up and paved by the Company as a roadway repairable by the inhabitants at large and the frontagers shall not be liable to make any contribution towards the cost of the making up and paving of the portions of the said roadway to be so made up and paved by the Deptford Borough Council:

(3) In constructing the bridges and arches for carrying the Railways Nos. 1 and 2 by this Act authorised over the roadway of the said Cold Blow Lane they shall face the abutments of such bridges with white glazed bricks and shall at all times keep the surface of such bricks clean and in good repair to the satisfaction of the Deptford Borough Council and such bridges shall be made and maintained so as to prevent so far as is practicable the dripping of water therefrom on to any part of the said roadway and the Company shall not execute or commence the erection of any such bridges until they shall have given to the Deptford Borough Council twenty-one days' notice in writing of their intention to commence the same with plans elevations sections and other necessary particulars of the construction of any such bridges and works:

(4) Any difference which may from time to time arise between the Company and the Deptford Borough Council under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing

agreement to be appointed by the President of the Institution of Civil Engineers.

For protection of South Metropolitan Gas Company.

13. Notwithstanding anything in this Act contained or shown on the deposited plans the following provisions shall apply and have effect for the protection of the South Metropolitan Gas Company (in this section referred to as "the gas company") unless otherwise agreed between the Company and the gas company :—

(1) The Company shall before they commence the construction of Railway No. 1 by this Act authorised or remove or otherwise interfere with or affect the main of the gas company crossing the land at New Cross to be acquired by the Company under the powers of this Act carry out the works hereinafter set forth in the manner shown upon a plan and section (in this section referred to as "the plan") which has been signed by Charles Langbridge Morgan on behalf of the Company and by Charles Claude Carpenter on behalf of the gas company :

(2) The Company shall subject as hereinafter provided at their own cost and expense and in the manner and in the direction shown in red colour on the plan lay a new main not less than forty-eight inches in diameter from the existing main of the gas company in Cold Blow Lane coloured blue on the plan to their existing main in Hornshay Street also coloured blue on the plan and shall at the like cost and expense construct and thereafter maintain a subway twelve feet by twelve feet as shown on the plan to carry the said main and also the main hereinafter mentioned under the Old Kent Road spur and Deptford Wharf branch railways of the Company and under the said land to be acquired by the Company under the powers of this Act :

(3) Before the Company commence to lay the said forty-eight-inch main they shall give to the gas company not less than seven days' notice of their intention to do so specifying the time at which such work will be commenced and such work shall be done under the superintendence (at the expense of the Company) of the engineer of the gas company and to his reasonable satisfaction :

(4) If within seven days after notice under the last preceding subsection shall have been served upon the gas company the gas company shall so elect and shall give to the Company a notice in writing within such period of such their desire they shall be entitled themselves to lay the said main and all

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expenses reasonably incurred by the gas company in and about the execution of such work shall be repaid by the Company to the gas company:

(5) So soon as the said subway shall have been constructed and the said main coloured red shall have been laid and connected with the existing mains in Cold Blow Lane and Hornshay Street the Company shall be at liberty to remove so much of the said main coloured blue on the plan as lies between Cold Blow Lane and Hornshay Street and the said main between those points shall be and become the property of the Company and all the rights of the gas company therein and in and over the site of the portion of main so removed shall thereupon cease:

(6) The Company shall also permit the gas company at the sole cost and expense in all things of the gas company to lay a forty-eight-inch main alongside of the said main to be laid as aforesaid in the manner and in the direction shown in green colour on the plan the work of laying the said main coloured green being carried out in accordance with plans to be submitted to and approved by the engineer of the Company and at such times and in such manner as he may direct and in all things under his supervision:

(7) The gas company shall have an easement or right in the said subway and the lands of the Company of maintaining replacing and repairing gas mains in and along the lines so shown in green and red upon the plan and for the purpose of inspecting and examining the said mains and executing any repairs thereto that the gas company or their engineer may consider necessary the gas company shall be entitled at all times to have access to the said subway and shall be entitled upon giving to the Company seven days' previous notice or in case of emergency such notice as may be reasonably possible to have access to the portions of the said mains laid elsewhere than in the said subway but all inspections of such mains laid elsewhere than in the said subway shall be made under the superintendence of the engineer of the Company and if such inspection shall entail any excavations or work affecting the land of the Company the same shall be carried out under the superintendence of the engineer of the Company and to his reasonable satisfaction in all respects but in all things at the cost of the gas company and the gas company shall at the like cost on completion of such excavation or

work restore the land of the Company to its former state and condition to the reasonable satisfaction of the engineer of the Company as aforesaid:

(8) Nothing in this section shall prejudice or affect the Company's rights to widen the embankment of their Old Kent Road spur railway if they should at any time require to do so between Cold Blow Lane and the point B on the plan:

(9) Any difference which may from time to time arise between the Company and the gas company under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers.

For protection of London and South Western Railway Company.

14. Whereas by section 14 subsection (7) of the South Western Railway (Various Powers) Act 1897 the South Western Company became liable to defray the cost of erection of lamps and of the lighting and maintenance thereof under the arch carrying the railways of the South Western Company and the Company respectively over Falcon Road in the parish of Saint Mary Battersea in the county of London and any other bridge adjoining or contiguous thereto whether the property of the South Western Company or not and the widening proposed by the Company will or may increase the length of the bridges carrying the railways of the Company and of the West London Extension Railway Company respectively over Falcon Road aforesaid it is by this Act provided that in the event of the Company lengthening such bridges or either of them the Company shall pay the cost of providing erecting maintaining and lighting any additional lamps rendered necessary by such lengthening.

For protection of West London Extension Railway Company.

15. In carrying out the construction of the Widening No. 1 and the diversion of the railway of the West London Extension Railway Company (hereinafter referred to as "the extension company") the following provisions for the protection of the extension company shall apply and have effect:—

(1) The Company shall construct the Widening No. 1 and the said diversion where such works adjoin or affect the railways of the extension company and the works necessary and incident thereto in accordance with the plan signed by Charles Langbridge Morgan on behalf of the Company and by James Charles Inglis on behalf of the extension company:

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(2) If the extension company shall at any time hereafter require the Company to alter the permanent way and bridge over Falcon Road in the manner shown by red hatched lines on the said plan the Company shall carry out such alterations accordingly at their own expense but the extension company shall repay to the Company one half of the cost to the Company of making the required alterations of the said bridge Unless the said alterations shall by agreement between the Company and the extension company be made under the powers of this Act any powers necessary to enable the same to be carried out shall subject to the assent of Parliament be obtained by the Company by means of a Bill to be promoted by them or if so agreed by means of a Bill to be promoted by any other of the companies constituting the extension company :

(3) The works in connection with Widening No. 1 and the diversion of the railways of the extension company shall be carried out in such a manner as to permit of the traffic of the extension company being continuously and as conveniently carried on as at present and if any interruption or interference shall be caused or take place the Company shall pay to the extension company full compensation in respect thereof :

(4) The works before mentioned and provided for shall so far as they affect the works of the extension company be executed by and in all things at the expense of the Company and under the superintendence and to the satisfaction of the said engineers and the Company shall bear and on demand pay to the extension company any expense of any kind to which that company may be put during and by reason of the construction of the works :

(5) During the construction of the works the Company shall bear and on demand pay to the extension company all expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by that company for watching their railways and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference

thereto or otherwise and the extra cost (if any) of maintaining the proposed junction between the lines of the extension company and the Company over and above the cost of maintaining the existing junction shall be borne and paid by the Company to the extension company :

(6) Notwithstanding anything contained in this Act the Company shall be responsible for and make good to the extension company all costs losses damages and expenses which may be occasioned to that company or to any of their railways works or property or to the traffic thereon or otherwise by reason of the execution or failure of the works of the Company or of the acts or omissions of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the extension company from all claims and demands upon or against them by reason of such execution or failure or of such acts or omissions :

(7) If by or in consequence of the execution of the works of the Company hereby authorised it becomes necessary to add to alter or change the position of any signals signal posts or other like works upon the railways of the extension company the same shall be so added to altered or moved by the extension company and the reasonable expense thereof shall be paid on demand to them by the company :

(8) If any difference shall arise between the respective engineers of the Company and the extension company such difference shall be referred to and be determined by an engineer to be mutually nominated by such respective engineers or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of the Company or the extension company :

(9) The Company and the extension company may agree for any variation or alteration upon and within the lands belonging to them respectively in the works in this section provided for or in the manner in which the same shall be executed.

For further protection of West London Extension Railway Company.

16. The following provisions for the further protection of the West London Extension Railway Company (hereinafter referred to as "the extension company") shall apply and have effect :—

(1) When the diversion of the West London Extension Railway shall have been completed the same shall be vested in the extension company and shall for all purposes (including

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the levying of tolls rates and charges in respect thereof) constitute part of the West London Extension Railway and the site of the portions of the railways of the extension company which the Company may require for the construction of the said Widening No. 1 shall vest in and become the property of the Company and the land required for the said diversion to be constructed under the provisions of this Act and which will be occupied by the substituted railway and platforms of the extension company shall be conveyed by the Company to and shall vest in the extension company free from any charge cost or expense to the extension company:

(2) The Company shall pay to the extension company the value of any land taken from the extension company in excess of the quantity of land which will form the site of the said diversion:

(3) The value of such land together with interest at the rate of four per centum per annum from the date at which the Company take possession thereof until payment shall if not agreed be settled by arbitration as provided by the Lands Clauses Acts:

(4) The Company shall at all times hereafter afford to the extension company all such facilities over the altered railways of the Company as will secure to the extension company proper and convenient access for the extension company's traffic to Clapham Junction Station and the platforms works and conveniences connected therewith.

Application of London Building Acts.

17. The provisions of the London Building Act 1894 the London Building Act 1894 (Amendment) Act 1898 and any Act amending the same shall except so far as the same may be expressly varied by this Act apply to the execution by the Company of any works on any lands in the administrative county of London and the Company shall save as aforesaid be entitled to the benefit of any special exemptions in favour of railway companies in the said London Building Acts contained.

Buildings not to be brought beyond general line.

18. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway in the administrative county of London or without the consent of the London County Council to erect or maintain any building or structure beyond the general line of buildings in any street part of a street place or row of houses in the said county.

Walls of buildings to be made good.

19. The Company shall not where any house or building in the administrative county of London shall have been wholly or in part demolished by them leave any adjoining structures or any portion of a partly demolished structure in an unsightly condition for a longer period than is reasonably necessary.

Erection of abutments of bridges for carrying works over Falcon Road.

20. Nothing contained in this Act shall prevent the Company from erecting the abutments of the bridges for carrying the works by this Act authorised over Falcon Road in the line of the abutments of the existing bridges of the Company and the West London Extension Railway Company respectively and from erecting on the footpath numbered 29 on the deposited plans in the parish of Saint Mary Battersea the necessary supports for arching over such footpath as hereinbefore referred to.

Exhibition of placards in county of London.

21. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act or upon any building or hoarding and whether during or after the construction of the works within view of any public street in the county of London any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the London County Council and by the town clerk of the metropolitan borough in which such part of the works is situate and if any such placard or advertisement be affixed or exhibited without such approval the said council or the council of such metropolitan borough and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the outside of any station placards giving information to the public as to the traffic of the Company.

For protection of sewers of London County Council.

22. The following provisions for the protection of the sewers of the London County Council (in this section referred to as "the council") shall have effect (namely):—

(1) The Company shall not commence any of the works by this Act authorised which shall or may pass over under or by the side of or so as to interfere with the sewers of the council until they shall have given to the council one month's previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with plans and sections thereof as hereinafter defined and until the council shall have signified their approval of the same unless the council do not signify their approval disapproval or other directions within twenty-one days after service of the said plans

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and sections as aforesaid and the Company shall comply with and conform to all reasonable orders directions and regulations of the council in the execution of the said works and shall provide by new altered or substituted works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to the said sewers by reason of the intended works or any part thereof and shall save harmless the council against all expenses 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 of the council at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the council 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 the council by the Company on demand and when any new altered or substituted works as aforesaid or any works of 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 council as any sewers or works now or hereafter may be:

(2) As regards any work in respect of which the Company are under the provisions of the last preceding subsection required to submit plans and sections to the council the council may require the Company in constructing such works to make any reasonable deviation within the limits prescribed by this Act from the line or levels shown upon such plan or section for the purpose of avoiding injury or risk of injury to the sewers of the council and the Company shall in constructing such works deviate accordingly:

(3) The plans to be submitted to the council for the purposes of this Act shall be detailed plans drawings sections and specifications describing the exact position and manner in which and the levels at which the works are proposed to be constructed and shall accurately describe the position of all sewers of the council within the limits of deviation shown on the deposited plans (for which purpose the council shall allow the Company access to plans in their possession and

to any sewers in order to enable the Company to obtain trustworthy information) and shall comprise detailed drawings of any alteration which the Company may propose to make in any such sewer:

(4) The council may require such modification to be made in the said plans drawings sections and specifications as may be reasonably necessary to secure the sewers and drainage system of London under the jurisdiction and control of the council against interference or risk of damage and to provide and secure a proper and convenient means of access to the said sewers:

(5) The Company shall be liable to make good all injury or damage caused by or resulting from any of their works or operations to any sewers drains or works vested in the council:

(6) The approval by the council of any plans or superintendence by the council of any work under the provisions of this section shall not exonerate the Company from any liability or affect any claim for damages under this section or otherwise.

Construction of bridges over Falcon Road.

23. With respect to the construction reconstruction or alteration of the bridges carrying the Company's railway and the West London Extension Railway over Falcon Road the following provisions shall have effect:—

(1) Notwithstanding anything in this Act or on the deposited plans and sections the construction reconstruction or alteration of the said bridges shall be so carried out as to give a span of not less than forty feet measured on the square between the abutments and as to give a headway of not less than seventeen feet in the case of the bridge carrying the Company's railway and of not less than sixteen feet in the case of the bridge carrying the West London Extension Railway and of not less than 16 feet 3 inches in the case of the proposed bridge to carry the junction line between the Company's railway and the railway of the West London Extension Railway Company above the surface of that road as existing at the passing of this Act and as not to curtail more than is absolutely necessary the air space now existing between the said bridges or in any case as to leave over Falcon Road on the south-east side of the bridge now carrying the Company's railway over that road an air space which will be open from

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the ground upwards and shall not be less than 390 square feet in area :

(2) The said construction reconstruction or alteration shall be carried out according to plans to be submitted to and reasonably approved by the London County Council :

(3) The Company shall in constructing the abutments of such bridges face the same with white glazed bricks from eighteen inches above pavement level to the underside of the girders and provide and fix for such eighteen inches a plinth of stonework or other material to the satisfaction of the council of the metropolitan borough of Battersea and shall at all times keep the surface of such bricks stonework or other material clean and in good repair to the satisfaction of the council of the metropolitan borough of Battersea :

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

(5) The Company shall not execute or commence the construction reconstruction or alteration of such bridges or any works in connection therewith until they shall have given to the London County Council twenty-one days' notice in writing of their intention to commence the same by leaving such notice at the offices of that council with plans elevations sections and other necessary particulars of the construction reconstruction or alteration of the said bridges and works and until the said council shall have signified their approval of the same unless the said council fail to signify their approval or 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 council in the construction reconstruction or alteration of the said bridges and the works connected therewith and shall save harmless the said 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 said council at the costs charges and expenses in all respects of the Company and all costs charges and expenses to which the said 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 and designs superintendence or otherwise shall be paid to the said council by the Company on demand :

(6) Any difference which may from time to time arise under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the Board of Trade upon the application of either party.

For protection of London County Council's tramways.

24.—(1) Nothing in this Act contained or shown on the deposited plans or sections shall authorise the Company without the consent of the London County Council (in this section referred to as "the council") to alter or interfere with any part of the tramway of the council in Falcon Road.

(2) In constructing reconstructing or altering the bridges and works by this Act authorised in the said Falcon Road the Company shall (subject as in this Act provided as to span and headway) so construct reconstruct or alter such bridges and works as not in any way to interfere with or impede the safe and efficient working of such tramway or to interfere with or impede the reconstruction or adaptation of such tramway for electrical traction.

(3) If in constructing reconstructing or altering the said bridges or works the Company or their contractors servants or agents shall interfere with or impede the safe and efficient working of the said tramway of the council or shall cause any damage to or otherwise injuriously affect such tramway the Company shall make full compensation to the council therefor and shall indemnify and save harmless the council from and against all claims demands proceedings costs damages and expenses made or taken against or incurred by the council on account of or attributable directly or indirectly to the construction reconstruction or alteration of the said bridges and works.

As to construction of new station at Clapham Junction.

25. The Company shall if and when they construct new station buildings on the land lying between Prested Road and Saint John's Hill in the parish of Saint Mary Battersea provide upon part of the said land a station forecourt or yard for the use of

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carriages and other vehicles depositing or taking up passengers and luggage and parcels at the said station so that the traffic in Saint John's Hill may not be impeded by reason of such carriages and other vehicles standing in Saint John's Hill for the purpose of taking up or setting down the same.

For protection of council of metropolitan borough of Battersea.

26. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the following provisions shall have effect for the protection of the mayor aldermen and councillors of the metropolitan borough of Battersea (in this section referred to as "the council") (that is to say):—

In this section unless repugnant to the context "the works" means and includes so much of the works by this Act authorised as will be constructed or executed in the said borough;

"The council's property" means and includes streets roads passages sewers drains works and things belonging to or vested in the council or for the maintenance or repair of which the council are or may be responsible but does not mean or include any pipe tube wire or apparatus laid down or placed for the supply of electrical energy:

(1)—(A) The Company shall not commence any of the works which shall or may pass over under or by the side of or so as to interfere with or affect any of the council's property until they shall have given to the council one month's previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with plans and sections thereof as hereinafter defined and until the council shall have signified their approval of the same unless the council do not signify their approval disapproval or other directions within twenty-one days after service of the said plans and sections as aforesaid and the Company shall comply with and conform to all reasonable orders directions and regulations of the council in the execution of any of the works that shall or may pass over under or by the side of or so as to interfere with or affect any of the council's property and the Company shall provide by new altered or substituted works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to the council's property by reason of the works or any part thereof and shall save harmless the council against all expenses to be

occasioned thereby and all such protective works shall be done by or under the direction superintendence and control of the surveyor or other officer of the council at the costs charges and expenses in all respects of the Company and all proper and reasonable costs charges and expenses to which the council may be put by reason of the works whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council by the company on demand and when any new altered or substituted works as aforesaid or any works of 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 council as were the original works in respect of which such new altered or substituted works shall have been constructed 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 council but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed ; A.D. 1903.

(B) As regards any works in respect of which the Company are under the provisions of this section required to submit plans and sections to the council the council may require the Company in constructing such works to make any reasonable deviation within the limits of deviation prescribed by this Act from the lines or levels shown upon any such plan or section for the purpose of avoiding injury or risk of injury to the council's sewers or drains and the Company shall in constructing such works deviate accordingly ;

(C) It shall not be lawful for the Company to remove any soil or material from under any street or road except such as must be excavated from the space to be occupied by the works ;

(D) The plans to be submitted to the council for the purposes of this section shall be detailed plans drawings sections and specifications describing the exact position and manner in which and the level at which the works are proposed to be constructed and shall accurately describe the position of the council's property within the limits of deviation shown on the deposited plans (for which purpose the council shall allow the Company access to plans in their

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possession and to any of the council's property for the purpose of enabling the Company to obtain trustworthy information) and shall comprise detailed drawings of any alteration which the Company may propose to make in any of the council's property ;

(E) The council may require such modifications to be made in the said plans drawings sections and particulars as may be reasonably necessary to secure the council's sewers and drains against interference or risk of damage and to provide and secure a proper and convenient means of access thereto ;

(F) The Company shall be liable to make good all injury or damage caused by or resulting from their works or operations to any of the council's property ;

(G) The approval by the council of any plans or superintendence by the council of any work under the provisions of this section shall not exonerate the Company from any liability or affect any claim for damages under this section or otherwise :

(2)—(A) Before commencing any of the works in or under any street or road which will or may affect any pipe tube wire or apparatus of the council for the supply of electrical energy (hereinafter referred to as "the council's electrical property") the Company shall from time to time deliver to the council plans and sections and descriptions of the works so proposed to be executed so far as the same shall affect the council's electrical property describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to the council at least one month before the commencement of any such works ;

If such works will interfere with or endanger any of the council's electrical property or impede the supply of electric energy the council may give notice to the Company to lower or otherwise alter the position of any of the council's electrical property or to support the same or to substitute temporarily or otherwise other pipes tubes wires or apparatus in such manner as may be necessary and to lay or place under any of the council's electrical property cement concrete or other like substances and all such lowering alteration support substitution laying or placing cement concrete or other like substances (in this subsection called "protective works") shall be done and executed by and at the expense of the Company but to the reasonable satisfaction and under

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the superintendence of the surveyor or other officer of the council and the reasonable costs charges and expenses of such superintendence shall be paid by the Company And if the council by notice in writing to the Company within fourteen days after the receipt by them of notice of the intended commencement by the Company of any such protective works so require the council may by their own officer or workmen do and execute such protective works and the Company shall on completion thereof pay to the council the reasonable expenses incurred by them in the execution of such protective works ;

(B) In the event of such plans sections and descriptions so delivered to the council as aforesaid not being objected to within fourteen days the said works shall be executed in strict accordance therewith ;

(C) The council may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any of the council's electrical property may be interfered with or affected during their construction repair or renewal and the reasonable wages of such watchmen or inspectors shall be borne by the Company and be paid by them to the council ;

(D) If any interruption in the supply of electric energy by the council shall without the written authority of the council be in any way occasioned by the Company or by the act or default of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to the council for the use and benefit of the council such sum as shall be equal to the loss or damage which the council may sustain or incur by reason of such interruption ;

(E) The expense of all repairs or renewals of the council's electrical property or any works in connection therewith which may 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 or rendered necessary by reason of any subsidence resulting from the works of the Company whether during the construction of the works or at any time thereafter shall be borne and paid by the Company ;

(F) The provisions of this subsection shall be in addition to any provisions for the protection of the council contained in the Battersea Electric Lighting Order 1896 :

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(3)—(A) On the construction by the Company of the bridge to carry the Company's widened line over Falcon Road (in this subsection referred to as "the Company's bridge") and the bridges to carry the diversion of the railway of the West London Extension Railway Company and the junction line between the railway of the Company and the railway of the West London Extension Railway Company over Falcon Road (in this subsection together referred to as "the West London bridge") the council may if the council shall deem it necessary so to do having regard to the existing lamps under the present bridges of the Company and the West London Extension Railway Company place and fix under the Company's bridge and the West London bridge not exceeding one lamp in respect of each such bridge for the proper and effectual lighting by night and also by day when necessary of the roadway under such bridges by gas or by electricity whichever may from time to time be in general use in the road on either side of such bridges The council may also for the like purpose place and fix in the portion of the footpath numbered on the deposited plans 29 in the parish of Saint Mary Battersea which is by this Act authorised to be arched over when the same or any part thereof shall be so arched over such lamps as the council may deem necessary not exceeding two in number The Company shall thereafter pay to the council the cost of providing erecting and maintaining all the said lamps and lighting them as aforesaid;

(B) The Company shall in constructing the abutments piers or supports (where the same shall be constructed in brickwork) for arching over the said portion of the footpath numbered 29 on the deposited plans face the same with white glazed bricks from eighteen inches above pavement level to the spring of the arch or to the underside of the girder and shall provide and fix for such eighteen inches a plinth of stonework or other material to the satisfaction of the council and shall at all times keep the surface of such bricks and stonework or other material clean and in good repair to the satisfaction of the council;

(C) The construction of the said arch over such portion of the said footpath as aforesaid and any works connected therewith shall be carried out according to plans to be submitted to and reasonably approved by the council;

(D) The said arch shall so far as is reasonably practicable be made and maintained so as to prevent the dripping of water therefrom on any part of the said footpath and so as to deaden the sound of engines carriages and traffic passing over such arch :

(4) If any dispute or difference shall arise between the council and the Company concerning any matter or thing in this section contained or referred to or as to the rights duties or liabilities of either party thereunder then and in every such case the dispute or difference shall be referred to an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party by the Board of Trade.

For protection of rural district council of Cuckfield.

27. Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Company in constructing Widening No. 3 by this Act authorised shall not without the consent of and on terms to be agreed by the rural district council of Cuckfield lengthen or widen the bridge carrying the railway of the Company over the roadway numbered 14 on the deposited plans in the parish of Lindfield.

For protection of urban district council of Haywards Heath.

28. With respect to the roadway passing beneath the railway of the Company numbered 3 on the deposited plans in the parish and urban district of Haywards Heath in connection with Widening No. 3 by this Act authorised the following provisions shall have effect for the protection of the urban district council of Haywards Heath (in this section referred to as "the council") :—

(1) The Company shall if and when the bridge carrying the railway of the Company over the roadway numbered 3 on the said plans in the said parish and urban district has been lengthened for and in connection with the said widening provide and fix in positions to be determined by the council for the purpose of lighting the existing bridge and the additional portion thereof to be constructed by the Company for the purposes of the Widening No. 3 by this Act authorised two gas lamps of the same description and fitted with lanterns and burners of the same size and pattern as those at present used for the lighting of the streets adjoining the said bridge and the Company shall from time to time as and when necessary replace the lamps and lamp columns or brackets and the council shall at all times thereafter keep in repair and light the said lamps and the Company shall pay to the council annually in respect of the cost of the repairs

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maintenance and lighting of each of the said two lamps such sum as the council shall from time to time pay:

(2) The Company in constructing the additional portion of the said bridge for the purpose of carrying the widening of the Company's railway over the said road numbered 3 as aforesaid shall adopt all reasonable means to deaden the noise of trains passing thereover:

(3) Any difference which may from time to time arise between the Company and the council under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers.

For protection of Burgess Hill Urban District Council.

29. Notwithstanding anything in this Act contained or shown on the deposited plans the following provisions shall apply and have effect for the protection of the Burgess Hill Urban District Council (in this section referred to as "the council"):—

(1) The Company shall in the construction of Railways Nos. 3 4 5 and 6 by this Act authorised unless otherwise agreed between the Company and the council construct a new sewer parallel with the existing sewer under part of Junction Road in the parish of Keymer urban in the county of Sussex and in accordance with a plan No. 6639 which has been signed by Charles Langbridge Morgan on behalf of the Company and by Alfred Fuller Hardwick on behalf of the council whereon the diverted sewer is shown in red colour:

(2) The Company shall in manner shown upon the said plan in red colour construct new manholes and extensions of the existing manholes and ventilators from the said new sewer to the surface of the ground:

(3) The Company shall give to the council twenty-eight days previous notice in writing of their intention to commence the said works of altering and diverting the said sewer and constructing the new manholes and extending the existing manholes and ventilators and the said works shall be carried out under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the council and so as not to disturb the existing sewer nor the ground supporting the same between the points marked respectively "A" and "B" on the said plan:

(4) The Company shall when carrying out the said works hereinbefore mentioned be at liberty to lay a pipe or pipes

from the cuttings to be made for the purposes of the said Railways Nos. 3 4 5 and 6 alongside of the said new sewer such pipe or pipes to be used for the purpose of carrying off the surface or storm water from the said cuttings but the Company shall not be at liberty to drain the said surface or storm water into the said sewer :

(5) Any difference which may from time to time arise between the Company and the council under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers.

For protection of Burgess Hill Water Company.

30.—(1) The Company shall at their sole cost and expense if in the construction of Railways Nos. 3 4 5 and 6 and Widening No. 4 by this Act authorised they shall interfere with or affect the mains of the Burgess Hill Water Company (in this section referred to as "the water company") under Junction Road Nye Road and elsewhere in the parish of Keymer urban in the county of Sussex reinstate the said mains to the reasonable satisfaction of the engineer of the water company.

(2) Any difference which may from time to time arise between the Company and the water company under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers.

For protection of Burgess Hill and St. John's Common Gas Company Limited.

31.—(1) The Company shall at their sole cost and expense if in the constructi n of Railways Nos. 3 4 5 and 6 and Widening No. 4 by this Act authorised they shall interfere with or affect the mains of the Burgess Hill and St. John's Common Gas Company Limited (in this section referred to as "the gas company") under Junction Road Nye Road and elsewhere in the parish of Keymer urban in the county of Sussex reinstate the said mains to the reasonable satisfaction of the engineer of the gas company.

(2) Any difference which may from time to time arise between the Company and the gas company under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers.

For protection of county council of East Sussex.

32. For the protection of the county council of East Sussex (herein-after called "the county authority") the following provisions shall apply :—

The bridge carrying the railway in Widening No. 5 over the road numbered on the deposited plans 5 in the parish of

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Clayton shall be a flat girder bridge thirty-six feet in width between the abutments and not less in height than fifteen feet six inches from the surface of the roadway to the underside of the girders The bridge shall be constructed and afterwards maintained to the reasonable satisfaction of the county authority and so as to prevent so far as is practicable the dripping of water therefrom:

In carrying the roadway numbered on the deposited plans 31 in the parish of Clayton over the railway the Company shall make the bridge not less than thirty feet in width between the parapets.

For protection of owner of Withdean Estate.

33. Notwithstanding anything in this Act contained or shown on the deposited plans the following provisions shall have effect unless otherwise agreed for the protection of the owner for the time being of the Withdean Estate (in this section referred to as "the owner") in connection with Widening No. 5 by this Act authorised:—

(1) The Company shall in lengthening for the purposes of the said Widening No. 5 the bridges in the parish of Patcham through which the occupation field track shown as crossing the field numbered 22 on the deposited plans in the parish of Patcham and the roadway numbered 25 on the said plans in the said parish respectively pass beneath the railway of the Company splay the wing walls of the lengthened bridges on the western side thereof at an angle of 30 degrees from the line of the abutments of the walls of the said bridges:

(2) The Company shall be at liberty to divert the said occupation field track shown as crossing the field numbered 22 as aforesaid if the Company find such diversion necessary for the purposes of their works and the said diversion shall be as little as possible from the line of the existing field track:

(3) The Company shall if and where they take or use any portion of the said roadway numbered 25 on the said plans in the said parish of Patcham construct a new road parallel with the said roadway and of a width of 40 feet and of no steeper gradient than 1 in 20 unless the portion of the existing roadway so taken or used is of a steeper gradient than 1 in 20 in which case the new roadway shall be constructed with gradients not exceeding the gradients of such portion of the existing roadway:

(4) The Company shall construct any elongation of the bridge for the purpose of carrying the said widening over the said

roadway numbered 25 on the deposited plans in the said parish of Patcham of a width of twenty-five feet measured on the square and if at any time during the progress of the works in connection with the said bridge or within ten years from the completion of the said widening the owner shall give notice in writing to the Company requiring them to reconstruct the existing bridge carrying the existing lines of the Company over the said roadway numbered 25 on the deposited plans of a like width of twenty-five feet the Company shall at the cost and expense in all things of the owner reconstruct the said bridge accordingly :

(5) The Company shall construct any elongation of the bridge numbered 30 on the deposited plans in the said parish of Patcham for the purpose of carrying the roadway numbered 28 thereon over the said widening of a width of twenty-five feet between the parapets and if at any time during the progress of the works in connection with the said bridge or within ten years from the completion of the said widening the owner shall give notice in writing to the Company requiring them to reconstruct the existing bridge numbered 30 over the existing lines of the Company of a like width of twenty-five feet between the parapets the Company shall at the cost and expense in all things of the owner reconstruct the said bridge accordingly :

(6) The Company shall if they interfere with or affect the roadway numbered 28 on the deposited plans in the said parish of Patcham construct a roadway parallel with and in substitution for the same properly fenced with iron fencing and necessary field gates similar to the fences and gates attaching to the existing roadway such substituted roadway to be of gradients similar to or less steep than the portion of roadway so interfered with or affected :

(7) If the Company shall in carrying out their works interfere with the footbridge which crosses their railway at the distance marked and measured 5 miles 5 furlongs 3 chains or thereabouts from the commencement of the Widening No. 5 they shall lengthen the same so as to extend over the said widening and so that the access thereover from the one side of the widened railway to the other shall be maintained as at present :

(8) The Company shall if they interfere with or affect the private roadway known as Woodside Avenue numbered 3

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on the deposited plans in the parish of Preston in the county borough of Brighton and the proposed continuation thereof northwards to the boundary of the said parish construct a roadway parallel with and in substitution for the same:

(9) If the Company require to take any portion of either of the properties of the owner numbered respectively 2 and 3 on the deposited plans in the said parish of Preston they shall acquire the whole of the land of the owner in the said parish of Preston situate between the railway of the Company and Woodside Avenue including the proposed continuation of Woodside Avenue northwards to the boundary of the said parish:

(10) Any difference which may from time to time arise between the Company and the owner under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers.

For protection of corporation of Brighton.

34. For the protection of the mayor aldermen and burgesses of the county borough of Brighton (in this section called "the corporation") the following provisions shall have effect unless otherwise agreed between the corporation and the Company (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not without the previous consent in writing of the corporation under their corporate seal enter upon take or use any portion of the land numbered on the deposited plans 7 in the parish of Patcham except so much thereof as is coloured pink on a plan which has been signed in duplicate by James Johnston on behalf of the corporation and by Charles Langbridge Morgan on behalf of the Company:

(2) Notwithstanding the acquisition by the Company of any portion of the said land or the execution by them of any works thereon the corporation shall be entitled to a perpetual easement to maintain under the surface of such land coloured pink on the said plan the existing adit of the corporation and to inspect repair alter enlarge and use the same from time to time and to construct and maintain and from time to time to inspect repair alter enlarge and use under such land additional adits and other works in connection with such adits for the purposes of the supply of water by the corporation without any payment to the Company and the

Company shall not prejudicially interfere with any such adits or works or with the supply of water derived by the corporation therefrom Provided always that in any inspection or in the execution of any work by the corporation under this subsection the corporation shall carry out the same so as to in no way affect the railway and works of the Company as now existing or as the same will be after the completion of the widening of their railway by this Act authorised or the traffic on such railway and that no additional works shall after the purchase of the said land by the Company be constructed by the corporation under the powers of this subsection within one hundred feet of the surface of any works of the Company then existing over the site thereof and that plans and sections of all works which may hereafter be constructed under the said land shall be furnished to the Company within three months after the completion thereof:

(3) Three months before the Company enter upon the portion of the said property numbered 7 on the deposited plans which they are by this Act authorised to acquire or commence to alter or interfere with any portion of the said road numbered on the said plans 8 in the parish of Patcham the Company shall give to the corporation notice in writing of their intention so to do by leaving such notice with the town clerk of the county borough of Brighton together with plans sections and particulars of the works proposed to be executed affecting the said road and the corporation may at the expense of the Company alter or divert so much of their service and pumping mains as is or may be laid under the said land numbered on the deposited plans 7 and the said road numbered on those plans 8 in the parish of Patcham as they think necessary in order to carry the same outside of the portion of such land which the Company may acquire under the powers of this Act and to enable the Company to effect such alteration of the said road without interference with or injury to such mains and to connect such altered or diverted service and pumping mains with the mains communicating with the aforesaid mains under the said road and the Company shall on demand pay to the corporation the costs of such alteration diversion and connection and of executing all necessary works in connection therewith and in effecting the alteration of the said road the Company shall

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not themselves or by their agents or contractors interfere with the service and pumping mains as now existing or as altered by the corporation and shall take all necessary precautions for preventing any injury to the same and shall make good any damage to the same:

(4) Before interfering with or stopping up under the powers of this Act any portion of Tongdean Lane numbered on the deposited plans 25 in the parish of Patcham (if any interference with or stopping up of Tongdean Lane becomes necessary by reason of the works of the Company) the Company shall construct and dedicate to the public in substitution therefor a new road across the property numbered 27 on the deposited plans to be acquired by the Company and communicating at both ends thereof with Tongdean Lane aforesaid and the corporation may thereafter at the expense of the Company construct and lay down under such new road a new water main or mains in substitution for and of equal capacity with the existing water main or mains under the said portion of Tongdean Lane that may be interfered with or stopped up and connect the same with the said existing main or mains at both ends and may take up and remove the portion of the existing main or mains for which such new main is substituted and the Company shall on demand pay to the corporation the cost of taking up and removing the said existing main or mains and of constructing laying and connecting such substituted main or mains as aforesaid and of all necessary works in connection therewith Provided that it shall not be lawful for the Company to interfere with the existing main or mains unless the corporation for a period of three months after the completion and dedication to the public of the said new road fail to take up and remove the same:

(5) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not without the consent in writing of the corporation under their common seal (which consent may be subject to such terms and conditions as the corporation may impose) enter upon take or use or interfere with any portion of the road called Woodside Avenue in the parish of Preston and the Company shall be responsible for all damage or injury which may be occasioned to the said road or to any sewer water main or electric mains or any other works or property of the

corporation on or under the said road or otherwise by reason of the construction maintenance or failure of the widening of the railway of the Company by this Act authorised or any works in connection therewith or of any act or omission of the Company or of any person in their employ or of their contractors or others and will effectually hold harmless and indemnify the corporation from all claims and demands upon or against them by reason of such construction maintenance or failure or any such act or omission :

(6) Any difference which may arise under this section between the corporation and the Company shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

Power to make new road at East Blatchington.

35. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the work hereinafter described with all proper approaches works and conveniences connected therewith and may enter upon take and use such of the land delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes (that is to say) :—

A new road in the parish of East Blatchington in the urban district of Seaford in the county of Sussex commencing at a point in Claremont Road 2 chains or thereabouts south-west of the bridge carrying that road over the Company's Newhaven and Seaford line and terminating at a point in the said road 3 chains or thereabouts north-east of the said bridge :

And as from the completion of the said new road and the opening of the same for public traffic the Company may stop up so much of Claremont Road as now crosses over the said Newhaven and Seaford line.

For protection of Seaford Urban District Council.

36. Notwithstanding anything in this Act contained or shown on the deposited plans the following provisions shall apply for the protection of the Seaford Urban District Council (in this section referred to as "the council") unless otherwise agreed between the Company and the council :—

(1) The Company shall kerb and channel and make up with macadam the roadway and pave the footpaths over the bridge to be constructed by the Company in the parish of East Blachington in the urban district of Seaford and shall provide and erect two lamps for lighting the said roadway

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at each end of the said bridge to the reasonable satisfaction of the council:

(2) The council shall from and after the provision and erection of the said lamps for ever afterwards maintain and light the same and shall bear the cost of all gas consumed by such lamps:

(3) The Company shall not stop up the portion of Claremont Road which crosses their Newhaven and Seaford Branch Railway unless and until the roadway between Connaught Road and the said bridge to be constructed by the Company has been kerbed and channelled and made up with macadam and the footpaths have been paved:

(4) The Company shall within twelve months from the passing of this Act hand over to the council for the widening and improvement of the roadway a piece of land adjoining the cottages belonging to the Company at the corner of Claremont Road and Church Street the said piece of land being shown on plan No. 6720 which has been signed by Charles Langbridge Morgan on behalf of the Company and by William Henry Pawson on behalf of the council The said piece of land shall at its widest point be of not less width than eight feet and shall not exceed ninety feet in length:

(5) Any difference which may from time to time arise between the Company and the council under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers.

Lands for generating stations.

37. Subject to the provisions of this Act the Company may enter upon take use and hold the lands hereinafter described so far as the same are delineated on the deposited plans and described in the deposited book of reference (viz.):—

Lands in the parish of Saint Paul Deptford in the metropolitan borough of Deptford in the county of London bounded on the south by the Old Kent Road spur railway of the Company and on the north-east and north-west by the railways of the East London Railway Company and lying in the triangle formed by those railways:

And the Company may upon such lands erect maintain and use stations for generating and transforming electrical energy with all necessary buildings works engines dynamos plant and machinery and may also make all such works upon their railways and lands as

may be necessary for connecting such generating and transforming stations with the railways of the Company Provided that nothing in this Act shall authorise the Company to generate electrical energy elsewhere than on the lands described in this section.

Railways may be worked by electrical power.

38. Subject to the provisions of this Act and to any regulations to be prescribed by the Board of Trade (in this Act referred to as "the Board of Trade regulations") the Company may at any time work by electrical power the traffic on their railway or any part thereof or any railways in connection therewith now or hereafter worked or used by them and for that purpose may lay down maintain and use along in or under any railways and land of the Company electric cables mains wires and apparatus necessary or convenient for transmitting electrical energy or for such working and the Company may make such alterations of their railway and stations and works as may be necessary to adapt the same for working by electrical power:

Provided that the powers contained in this section for working by electrical power shall not be deemed to apply to the East London Railway unless and until an agreement has been concluded between the several companies members of the East London Railway Joint Committee inter se or in case of disagreement between the said companies the standing arbitrator under the East London Railway Act 1882 shall have determined that the East London Railway shall be electrified.

For protection of railway companies.

39. With respect to any railway owned by the Company jointly with any other railway company or to any part of the railways of the company over which any other railway company possesses running powers by virtue of any Act of Parliament or agreement (other than any agreement which the Company has power to determine) the powers contained in the section of this Act the sidenote of which is "Railways may be worked by electrical power" shall not be exercised by the Company except by agreement with such other railway company or failing agreement in such manner and subject to such conditions as may be settled by the Board of Trade Provided nevertheless that any system of electrification to be prescribed by the Board of Trade shall be such as to permit of the said jointly owned railway or the part of the railways of the Company over which such other railway company possesses running powers remaining available for use by the steam locomotives and the carriage and wagon stock of such other railway company.

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Provisions as to use of electrical power.

40. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :—

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provisions shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Company shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

(5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working

of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

(6) If any difference arises between the Company and any other party with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

(7) When any department of His Majesty's Government represents to the Board of Trade that the use of electrical power under this Act injuriously affects or is likely to injuriously affect any instruments or apparatus whether electrical or not used in any observatory or laboratory belonging to or under the control of that department the Board of Trade after such inspection or inquiry as they may think proper may by their regulations require the Company to use such reasonable and proper precautions including insulated returns as the Board of Trade may deem necessary for the prevention of such injurious affection For the purposes of this subsection any inspector of the Board of Trade may during his inspection of the Company's works and apparatus be accompanied by any person or persons appointed in that behalf by the Government Department concerned and the Company shall give all due facilities for the inspection Provided always that in the case of any observatory or laboratory established after the passing of this Act or of any instruments or apparatus hereafter used in any existing observatory or laboratory which may be of greater delicacy than those used therein at the passing of this Act the Board of Trade shall consider to what extent if any it is expedient in the interests of the public that the powers of this subsection should be exercised regard being had to the site of the observatory or laboratory or the purposes of the instruments or apparatus as the case may be :

(8) The Company using electrical power contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for

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every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electrical power under the authority of this Act have made default in complying with the provisions of this Act or the Board of Trade regulations may by order direct the Company to cease to use electrical power and thereupon the Company shall cease to use electrical power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order:

(9) The expression "Company" in this section includes licencees and any person owning working or running carriages over any railway of the Company.

For protection of Postmaster-General.

41. In the event of the traffic on the Company's railway or any part thereof or any railways in connection therewith now or hereafter worked or used by the Company being worked by electricity the following provisions shall have effect:—

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) Before any electric line is laid down or any act or work for working the railways aforesaid by electricity is done by the Company within ten yards of any part of a telegraphic

line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-Genenal situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the post office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

(5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency

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and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(8) For the purposes of this section and subject as therein provided sections two ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply to any such arbitration :

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :

(12) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the railways of the Company.

Power to purchase additional lands.

42. 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 and use for any purposes of or connected with their undertaking the lands hereinafter described which are delineated upon the deposited plans and described in the deposited book of reference (viz.) :—

(A) Lands in the parish of Wallington (otherwise Wallington Hamlet) in the county of Surrey on the north side of and adjoining the Company's goods yard at Wallington Station :

(B) A strip of land in the parish of Worth in the county of Sussex situate on the west side of and adjoining the

Company's London and Brighton main line between points respectively 6 chains or thereabouts north and 78 chains or thereabouts south of Maidenbower Lane :

(C) A strip of land in the parish and urban district of Horsham in the county of Sussex situate on and adjoining the Company's London and Portsmouth main line and extending from Horsham Station to a point 16 chains or thereabouts in a south westerly direction from that station :

(D) A strip of land in the same parish and urban district situate on and adjoining the Company's said railway and lying between points respectively 2 chains or thereabouts and 15 chains or thereabouts in a south-westerly direction from the said station :

(E) Lands in the parish and borough of Worthing in the county of Sussex adjoining the Company's Brighton and Portsmouth Railway at Worthing Station and situate between that railway and Southcourt Road :

(F) Lands in the parish and urban district of Havant in the county of Southampton on the south side of and adjoining the Company's Havant Station between that station and Waterloo Road :

(G) Lands in the parish of Rotherfield in the county of Sussex situate on the south-east side of and adjoining the Company's Lewes and Tunbridge Wells railway extending from the road passing under the said railway at Crowborough Station to a point 34 chains or thereabouts in a south-westerly direction from the said public road.

Persons under disability may grant easements &c.

43. Persons empowered by the Lands Clauses Acts 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 privilege (not being an easement right or privilege of water in which persons other than the grantors 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.

Period for compulsory purchase of lands.

44. 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.

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Period for completion of works.

45. If the railways be not completed within a period of 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 same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Railways to form part of existing undertaking.

46. The railways and the works connected therewith respectively executed under the authority of this Act 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.

Penalty imposed unless new railways are opened within time limited.

47. If the Company fail within the period limited by this Act to complete the new railways by this Act authorised or either of them the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the new railway in respect of which the default has been made is completed and opened for the public conveyance of passengers or goods (as the case may be) or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of such railway And the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

48. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property 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 High Court may seem fit And if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Extending time for completion of certain works authorised by Company's Act of 1898.

49. The period limited by the London Brighton and South Coast Railway Act 1898 for the completion of the following works authorised by section 5 of that Act (viz.) :—

The Widening No. 1 of the Company's Railway from Victoria to Clapham Junction ;

The Widening No. 2 of the Company's Railway from Victoria to Clapham Junction; and

The Widening of the Company's Newhaven and Seaford line ;

is hereby extended until the twenty-fifth day of July one thousand nine hundred and five and section 43 of the said Act of 1898 shall be read and construed accordingly.

Extension of time for compulsory purchase of certain land under Company's Act of 1900.

50. The time limited by the London Brighton and South Coast Railway (Various Powers) Act 1900 for the compulsory purchase of lands for the Widening No. 3 of the Three Bridges and East Grinstead railway of the Company near Grange Road Station and for the compulsory purchase of the lands in the parishes of Ifield and Worth on the north and south of the Company's Three Bridges to Horsham branch line near Crawley Station is hereby extended until the twenty-fifth day of June one thousand nine hundred and five but the powers of the Company for the compulsory purchase of the said lands shall then cease and section 35 of the said Act of 1900 shall be read and have effect accordingly.

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Saving rights of Crown.

51. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Restrictions on displacing persons of labouring class.

52.—(1) The Company shall not under the powers of this Act or of any former Act extended by this Act purchase or acquire in any metropolitan borough or in the city of London (which places are in this section referred to as "London") twenty or more houses or sites of houses or in any other 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 next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised (as the case may be) 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 in the case of London of the Secretary of State for the Home Department or in any other case 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 said fifteenth day of December or for such number of persons as the said Secretary of State or the Local Government Board (as the case may be) 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 the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2) Subsections (2) to (12) both inclusive of section 25 (Restrictions on displacing persons of labouring class) of the London Brighton and South Coast Railway Act 1901 shall be deemed to be incorporated in and form part of this section and shall apply and have effect accordingly :

Provided that the expression "house or houses" where used in subsection (5) of the said section 25 shall be deemed to include the site of a house or sites of houses and the said subsection (5) shall be read and have effect accordingly.

(3) Any houses or sites of houses purchased or acquired by the Company for or in connection with any of the purposes of this Act or of any former Act the powers of which are extended by this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act or of such former Act (as the case may be) and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Secretary of State or the Local Government Board (as the case may be) under 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 said Secretary of State or the Local Government Board (as the case may be) 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 the said Secretary of State or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

(4) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means 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.

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Company may apply their funds and raise additional capital.

53. The Company may apply towards the construction of the 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 one million 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 not to vest until one-fifth part paid.

54. The Company shall not issue any share created under this Act under the nominal value of ten pounds nor shall any share or stock created under this Act 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.

55. 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.

56. The Company may in respect of the additional capital of one million 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 three hundred and thirty-three thousand pounds and of that sum they may from time to time borrow any sum not exceeding in the whole one hundred and eleven thousand pounds in respect of each three hundred and thirty-three thousand pounds of the said additional capital but no part of any such sum of one hundred and eleven thousand pounds shall be borrowed until shares for so much of the portion of capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one half of such portion of 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 portion of capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of 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 such portion 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 or is held by the persons 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 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.

57. 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.

58. 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.

59. 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 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.

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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.

60. 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.

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

Interest on calls not to be paid out of capital.

62. 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.

63. 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 anthorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

64. 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.

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Recovery of demands under fifty pounds.

65. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Costs of Act.

66. 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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