CHAPTER cxc.

An Act to authorise the construction of the Metropolitan and South-western Junction Railway. [10th August 1872.] A.D. 1872.

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

And whereas plans and sections of the railway showing the lines and levels thereof, with books of reference to the plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands in or through which the railway will be made or pass, have been deposited with the respective clerks of the peace for the counties of Middlesex and Surrey, and are herein referred to as the deposited plans, sections, and books of reference:

And whereas it is expedient that the Company incorporated by this Act and the Metropolitan District Railway Company should be empowered to enter into agreements for the working of the proposed railway:

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

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

1. This Act may be cited for all purposes as "The Metropolitan and South-western Junction Railway Act, 1872." Short title.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and Provisions of general Acts herein named incorporated.

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

Same meanings to words &c. in incorporated Acts and this Act.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall have in this Act the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such construction.

Interpretation of terms.

4. The following words and expressions shall in this Act have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "the Company" shall mean the Company incorporated by this Act:

The expression "the railway" or "the undertaking" shall mean the railway and the works connected therewith by this Act authorised to be constructed:

The expression "the undertakers" or "the promoters of the undertaking" in any of the Acts incorporated herewith shall mean the Company incorporated by this Act:

The expression "superior courts" or "court of competent jurisdiction," or other like expression in this Act or any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

As to certain plans deposited with vestry clerks, &c.

5. And whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that a certificate of any omission, misstatement, or erroneous description in certain plans and books of reference therein referred to should be deposited with the parish clerks of the several parishes in England in which the lands affected thereby shall be situate; and it is also provided that certain plans and sections of such alterations in the original plans and sections as shall have been approved of by Parliament should also be deposited with the clerks of the several parishes, and be retained and produced by them for inspection in manner therein mentioned: And whereas, in compliance with the present standing orders of both Houses of Parliament, the several plans, sections, and other documents heretofore required to be deposited with the parish clerks are, in respect of lands in any parish comprised in "The Metropolis Management

Act, 1855," to be deposited with the vestry clerk if the parish be in Schedule A. to that Act, and with the clerk of the board of works for the district if the parish be in Schedule B. to that Act:

Therefore, with reference to and for all the purposes of this Act, in all the provisions of "The Railways Clauses Consolidation Act, 1845," relating to the matters aforesaid, the expression "parish clerks of the several parishes," or "clerks of the several parishes," shall be read and construed as if in that Act the expression "vestry clerk of the parish," if the parish be in the said Schedule A., and "clerk of the board of works of the district," if the parish be in Schedule B. of the said Metropolis Management Act (as the case may be), had been used and inserted in lieu of the expression "parish clerks of the several parishes," or "clerks of the several parishes," as the case may be.

Subscribers incorporated.

6. Charles Magnay, Charles Chambers, James Goodson, and all other persons and corporations who have already subscribed or who shall hereafter subscribe to the undertaking, their executors, administrators, successors, and assigns respectively, shall be united into a Company for the purposes of the undertaking, and such Company shall be incorporated by the name of "The Metropolitan and South-western Junction Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and shall have power to purchase and hold lands for the purposes of the undertaking within the restrictions herein and in the incorporated Acts contained, and their undertaking shall be called "The Metropolitan and South-western Junction Railway."

Power to make railway according to deposited plans.

7. Subject to the provisions of this Act, the Company may make and maintain the railway herein-after described in the line and upon the lands delineated on the deposited plans and described in the deposited books of reference, and according to the levels described on the deposited sections, and the Company may enter upon, take, and use such of the said lands as shall be necessary for that purpose.

Describing railway.

8. The railway hereby authorised will be two miles seven furlongs and forty links long. It will commence by a junction with the West Brompton line of the Metropolitan District Railway at or near the bridge carrying Warwick Road over the said railway in the parish of St. Mary Abbott, Kensington, pass through or into that parish and the parish of Fulham in the county of Middlesex, cross the River Thames by a bridge, and thence pass through Putney and Barnes in the county of Surrey, and terminate in the said last-mentioned parish at the Barnes up station of the London and South-western Railway Company.

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Capital.

9. The capital of the Company shall be two hundred and forty thousand pounds divided into twenty-four thousand shares of ten pounds each.

Shares not to issue until one fifth part paid up.

10. The Company shall not issue any share, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share is paid up in respect thereof.

Calls.

11. Two pounds per share shall be the greatest amount of a call, and two months at the least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls to be made in any one year upon any share.

Power to divide shares.

12. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

13. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend, after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits

14. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first

day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

of the year only.

Half shares to be registered and certificates issued.

15. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any such certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

16. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

17. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expense attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled or surrendered.

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

Half shares to be half shares in capital.

19. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether the same be preferred or deferred, held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Receipt of guardians, &c. to be sufficient discharge.

20. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of his or her respective guardian or committee shall be a sufficient discharge to the Company for the same.

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Power to borrow on mortgage.

21. The Company may from time to time borrow on mortgage any sum not exceeding in the whole eighty thousand pounds, but no part thereof shall be borrowed until the whole capital of two hundred and forty thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

22. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. 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 three thousand pounds in the whole.

Debenture stock.

23. The Company may create and issue debenture stock.

As to interest on debenture stock.

24. Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First and other meetings.

26. The first ordinary meeting of the Company shall be held within eight months next after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of February or March, and August or September, every year.

Quorum of general meetings.

27. The quorum of general meetings of the Company shall be five shareholders present personally or by proxy, holding in the

aggregate not less than two thousand pounds in the capital of the Company.

Number of directors.

28. The number of directors shall be three, but the Company may from time to time increase the number, provided that the increased number be not more than five.

Qualification of directors.

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

Quorum.

30. The quorum of a meeting of directors shall be two whilst the number of directors is three, and three when their number is more than three.

First directors.

Election of directors.

31. Charles Magnay, Charles Chambers, and James Goodson shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for increasing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

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

Powers for compulsory purchases limited.

33. The powers by this Act conferred for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Limiting interference with Barnes Common.

34. The Company shall not under the powers of this Act acquire more than two acres of Barnes Common, and only such parts of that common as are contiguous to the London and South-western Railway; and in case there shall remain any surplus of the land so taken, after the railway shall have been made, the surplus land shall revert to the said common, and shall be incorporated therewith upon payment to the Company of a price pro ratâ on the area equal to that

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originally paid for the land so taken; and the Company shall not take or purchase any earth, soil, spoil, gravel, sand, turf, loam, or other material from Barnes Common, or any part of the waste of the manor of Barnes, except that purchased by the Company for the site of the line of railway and the station works, for the purpose of forming any embankment or raised ground, or for any other purpose whatsoever.

Not to take certain property of Lord Kensington without consent.

35. The Company shall not, without the consent in writing of the Right Honourable William Lord Kensington, take any part of the property situate in the parish of Saint Mary Abbot, Kensington, numbered 3 on the deposited plans.

Houses of labouring classes.

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

Power to deviate from levels of sections.

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

Provision as to carrying railway over the Lower Richmond Road.

38. The bridge for the purpose of carrying the railway over the Lower Richmond Road in the parish of Putney shall be so constructed as to leave a clear width of forty feet throughout, with a clear headway of sixteen feet throughout.

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

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

days previous notice thereof in writing shall have been given to the companies to whom such mains, pipes, syphons, plugs, and other works shall respectively belong.

Penalty for interrupting the supply of water or gas.

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

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

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

As to bridges under streets.

42. All bridges constructed by the Company under any roads or streets shall be constructed so as not to lessen the present clear width of such road or street, including the footway, and shall be further so covered as to prevent, as far as may be practicable, the escape of steam, smoke, or other offensive effluvia into the said roads and streets, and such bridges shall be so constructed, as far as may be practicable, so as to deaden the sound of engines, carriages, and traffic passing underneath them; and the Company shall not execute or commence the erection of any such bridges or works as aforesaid until they shall have given to the Metropolitan Board of Works fourteen days notice in writing of their intention to commence the same, by leaving such notice at the office of the said board, with plans, elevations, sections, and other necessary particulars of the construction of the said bridges, and until the said board shall have signified their approval of the same, unless the said board fail to signify such approval or their disapproval or other directions within fourteen days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid; and the Company shall comply with and conform to all reasonable directions and regulations of the said board in the execution and subsequent maintenance of the said bridges and works connected

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

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

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

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

Local rates to be made good.

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

Bridge and works in the River Thames to be executed under the direction of the Conservators of the River Thames.

45. The bridge for the purpose of carrying the railway across the River Thames shall be executed according to a plan and elevation, and upon a site within the limits of deviation, to be approved by the Conservators of the River Thames and deposited at their office, and the works in the River Thames and adjoining thereto shall be executed and performed to the satisfaction of the engineer for the time being of the conservators: Provided that the Company shall not be put to more onerous conditions as to span than those shown on the deposited plans. And the clear height of the headway under the centre of each arch of the said bridge shall not be less than twenty feet above the level of Trinity high-water mark, and the foundations of the piers and abutments of the bridge shall be sufficient to allow of any future deepening of the river to the extent

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of at least thirty feet below the level of Trinity high-water mark in the middle, and twenty feet at the sides of the river; and the traffic of the said River Thames shall not be interfered with more than may be absolutely necessary in the construction of the said bridge and performance of the said works, and the plan of the coffer-dams for the piers and abutments of the said bridge shall be approved by the conservators before the same shall be carried into execution.

Company not to interfere with the bed of the river.

46. Nothing in this Act contained shall authorise or empower the Company to embank, encroach upon, or interfere with any part of the soil or bed of the River Thames or the shore thereof, except according to the plan last herein-before mentioned.

Company not to take gravel, &c. from river without consent of conservators.

47. The Company shall not take any gravel, soil, or other material from the bed of the river without the previous consent of the Conservators of the River Thames signified in writing under the hand of their secretary.

Company not to commence any work on shore of Thames until notice given to conservators.

48. The Company shall not make or commence any work whatsoever on the shore or bed of the River Thames, or of any creek or inlet thereof, until the expiration of two calendar months after notice to the Conservators of the River Thames.

Southern arch of bridge to include towing-path.

49. The southern arch or opening of the proposed bridge shall include the towing-path.

Security for completion of works.

50. Before the bridge is commenced the Company shall invest in the consolidated three pounds per centum annuities in the names of Jonathan Thorp, Sir Frederick Arrow, Deputy Master of the Trinity House, and Thomas Vaughan Morgan, and George Masefield, or the survivors of them, the sum of one thousand pounds, which sum when so invested, with all dividends to accrue thereon, and which dividends shall from time to time, as they become payable, be invested in like manner and accumulated therewith, shall be and continue a fund in trust for the following purposes; (that is to say,)

First. So soon as it appears to the satisfaction of the trustees, or the majority of them, that the bridge and the works connected therewith are so far made that the trust fund will be sufficient to complete the bridge and works, then the trustees shall transfer the trust fund to the Company, or as they direct, to be applied for that purpose:

Secondly. Or in case the Company do not within five years after the passing of this Act complete such bridge and works, then the trust fund shall be applied in removing, in such manner as

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Thirdly. The Company shall not, unless with the consent in writing of the commissioners, take or acquire any greater portion of their said land than shall be necessary for the construction of the authorised line of railway and footpath, and of the aforesaid station, with convenient approaches thereto:

Fourthly. Any difference which may arise between the Ecclesiastical Commissioners and the Company under these enactments, or with reference thereto, shall be from time to time referred to and determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

Certain property not to be taken without consent.

55. The Company shall not under the powers of this Act enter upon, take, or use any part of the property in the parish of Fulham numbered 205 upon the deposited plans, without the previous consent in writing of James English, or other the owner or owners for the time being of the said property.

For the protection of the brewery and premises of Mr. Lovibond at Fulham.

56. For the protection of the brewery and premises of which Henry Lovibond is the owner or reputed owner and occupier, situate in the said parish of Fulham, the Company shall in the exercise of the powers conferred by this Act be subject to the restrictions, obligations, and provisions following; (that is to say,)

1. No part of Mr. Lovibond's property to be taken:
2. No part of the works or line to be nearer to Mr. Lovibond's brewery buildings than sixty yards, nor the centre line than seventy-five yards:
3. Except by temporary works, no part of the works of the proposed line to be constructed nor the ground or water therein disturbed nor drained at any part to a greater depth than the line shown on the deposited section as corresponding with upper surface of rails where the same passes under the West London Extension Railway, and marked on the deposited section 42·06 feet above datum:
4. The line to be constructed from the point where it passes under the West London Extension Railway to the intended station at the North End Road at an uniform gradient, and the level of the rails under the said North End Road not to be lower than shown on the said section:
5. Neither during construction nor after the formation of the railway shall the Company discharge on the surface of the ground, or so as to enter the subsoil, hot or heated water at any point nearer to Mr. Lovibond's premises than the present workshops by the side of the West London Extension Railway, nor there in such quantity as may raise the temperature of the water in Mr. Lovibond's well.

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For protection of West London Extension Railway.

57. The Company in constructing the railway under the powers of this Act shall be bound by and comply with the following restrictions and provisions:

1. The railway where it will cross the West London Extension Railway shall be carried under that railway so as to leave undisturbed the whole of the space between the existing boundaries of that railway at the said point of crossing:
2. The Company shall construct the arch or other works by which the railway shall be carried under the West London Extension Railway so as to enable the West London Extension Railway Company to widen their railway at such crossing by the addition of two additional lines of railway, and all the works in, upon, or under the lands of that company for the purpose of carrying the railway under the railway of that company shall be executed under the superintendence and to the reasonable satisfaction in all respects of the engineer of that company, but at the expense of the Company:
3. The Company shall at all times maintain the arches or other works by which the railway shall be carried under the West London Extension Railway in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the engineer of the West London Extension Railway Company, and if and whenever the Company fail so to do, that company may make and do, in and upon as well the lands of the Company as their own lands, all such works and things as that company may reasonably think requisite in that behalf, and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company, and in default of full repayment may be recovered with full costs by that company from the Company in any court of competent jurisdiction:
4. The arches or other works by which the railway shall be carried under the West London Extension Railway, and all works and conveniences connected therewith, shall be made only according to such plans, elevations, sections, specifications, and dimensions as shall be submitted by the Company to the engineer of the West London Extension Railway Company and approved by him in writing under his hand before any of those works are begun, or, in case of his refusal or neglect to approve of the same, as shall be settled and determined by an engineer to be appointed by the Board of Trade:
5. The Company shall not, without in every case the previous consent of the West London Extension Railway Company in

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writing under their common seal, take, use, enter upon, or interfere with any of the lands, railways, or works from time to time belonging to or in the possession or under the power of that company, except only such parts of their lands as it shall be absolutely necessary for the Company to take, use, enter upon, or interfere with for the purpose of making and maintaining the railway as the same is according to this Act to be carried under the West London Extension Railway:

6. The Company shall not in any manner in the execution of any of their works obstruct or interfere with the free, uninterrupted, and safe user of the West London Extension Railway or any traffic thereon:

7. The Company shall bear and on demand pay to the West London Extension Railway Company the expense of the employment by that company, during the execution of the works affecting that company, of a sufficient number of inspectors and watchmen, to be appointed by that company, for watching their railway and its works, with reference to and during the execution of such intended works, and for preventing, as far as may be, all interference, obstruction, danger, and accident from any of the operations, or from the acts or defaults of the Company or their contractors, or any person or persons in the employ of the Company or of their contractors, with reference thereto or otherwise:

8. If by reason of the execution of any of the works, or any proceedings of the Company, or the failure of any such works, or any act or omission of the Company, or of their contractors, or otherwise, the West London Extension Railway, or any of the works connected therewith, shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their own expense, or in the event of their failing so to do, then the West London Extension Railway Company may make good the same, and recover the expense thereof with full costs against the Company in any court of competent jurisdiction; and if any interruption shall be occasioned to the traffic of the West London Extension Railway by reason of any of the matters or causes aforesaid, the Company shall pay to that company all costs and expenses to which that company may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs, expenses, and compensation to be recoverable with full costs by that company from the Company in any court of competent jurisdiction:

9. With respect to any lands, railway, or works of the West London Extension Railway Company which the Company is by this Act authorised to take, use, enter upon, or interfere with, the Company shall not purchase or take the same, but the Company may purchase and take, and the West London Extension Railway Company may and shall sell and grant accordingly, an easement or right of taking and using the same for the purposes for which, but for this enactment, the Company might purchase and take the same:

10. Nothing in this Act contained shall extend to diminish, prejudice, alter, or take away any of the rights, privileges, or powers of the West London Extension Railway Company otherwise than as herein expressly provided:

11. Any difference which may arise between the two companies under this enactment, or with reference thereto, shall be from time to time settled by arbitration in the manner provided by "The Railway Companies Arbitration Act, 1859," for the settlement of disputes by arbitration.

For protection of the London and South-western Railway Company.

58. The Company in constructing the railway and works by this Act authorised shall be subject to and comply with the following restrictions and provisions:

1. The Company shall construct the bridges and other works by which the roads on the deposited plans numbered 262 in the parish of Putney, and 294 in the parish of Barnes, shall be carried over the London and South-western Railway, and all works in, upon, or over the lands of that company, under the superintendence and to the reasonable satisfaction in all respects of their engineer, but at the expense of the Company:

2. The Company shall at all times maintain the bridges and other works by which the last-mentioned roads shall be carried over the London and South-western Railway in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the engineer of the London and South-western Railway Company, and if and whenever the Company fail so to do, that company may make and do, in and upon as well the lands of the Company as their own lands, all such works and things as that company may reasonably think requisite in that behalf, and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company, and in default of full repayment may be recovered with full costs by the London and South-western Railway Company from the Company in any court of competent jurisdiction:

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3. The bridges and other works by which the said roads shall be carried over the London and South-western Railway, and all works and conveniences connected therewith, shall be made, subject to the provisions of this Act, according to such plans, elevations, sections, specifications, and dimensions as shall be submitted by the Company to the engineer of the London and South-western Railway Company, and approved by him in writing under his hand before any of those works are begun, or as, in case of difference, shall be settled and determined by an engineer to be appointed on the application of either company by the Board of Trade, and the expenses of such arbitration shall be in the discretion of such engineer;

4. The Company shall not, without in every case the previous consent of the London and South-western Railway Company in writing under their common seal, take, use, enter upon, or interfere with any of the lands, railways, or works belonging to or in the possession of that company, except only such parts thereof as shall be absolutely necessary for the Company to take, use, enter upon, or interfere with for the purpose of making and maintaining the railway, bridges, and other works as shown upon the deposited plans, except in every case with the consent of the Board of Trade:

5. The Company shall not in any manner in the execution of any of their works obstruct or interfere with the free, uninterrupted, and safe user of the London and South-western Railway or any traffic thereon:

6. The Company shall bear and on demand pay to the London and South-western Railway Company the expense of the employment by that company, during the execution of the works affecting that company, of a sufficient number of inspectors and watchmen, to be appointed by that company, for watching their railway and its works, with reference to and during the execution of such intended works, and for preventing, so far as may be, all interference, obstruction, danger, and accident from any of the operations, or from the acts or defaults of the Company or their contractors, or any person or persons in the employ of the Company or of their contractors, with reference thereto or otherwise:

7. If by reason of the execution of any of the works, or any proceedings of the Company, or the failure of any such works, or any act or omission of the Company, or of their contractors, or otherwise, the London and South-western Railway, or any of the works connected therewith, shall be injured or damaged,

such injury or damage shall be forthwith made good by the Company at their own expense, or in the event of their failing so to do, then the London and South-western Railway Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction; and if any interruption shall be occasioned to the traffic of the London and South-western Railway by reason of any of the matters or causes aforesaid, the Company shall pay to that company all costs and expenses to which that company may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs, expenses, and compensation to be recoverable with full costs by that company from the Company in any court of competent jurisdiction:

8. With respect to any lands, railway, or works of the London and South-western Railway Company which the Company is by this Act authorised to take, use, enter upon, or interfere with, the Company shall not purchase or take the same, but the Company may purchase and take, and the London and South-western Railway Company may and shall sell and grant accordingly, an easement or right of taking and using the same for the purposes for which, but for this enactment, the Company might purchase and take the same:

9. Any difference which may arise between the two companies under this enactment, or with reference thereto, shall be from time to time settled by arbitration in the manner provided by "The Railway Companies Arbitration Act, 1859," for the settlement of disputes by arbitration.

Company not to take lands on south side of London and South-western Railway except for bridge approaches.

59. Except for the purpose of constructing the bridges for carrying the roads on the deposited plans numbered 262 in the parish of Putney, and 294 in the parish of Barnes, over the London and South-western Railway, and the approaches to those bridges respectively, the Company shall not take or acquire any lands on the south side of that railway.

As to approaches to bridges at Barnes.

60. The Company shall pay all expenses of making and maintaining the approaches to the bridges to be constructed for carrying the roads numbered on the deposited plans 291 and 294 in the parish of Barnes over the Company's railway, and the fences, slopes, and other works in connexion therewith.

Saving rights of the London and

61. Nothing in this Act contained shall extend to diminish, prejudice, alter, or take away any of the rights, privileges, or powers of

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South-western Railway Company.

the London and South-western Railway Company otherwise than as herein expressly provided.

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

62. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of eleven thousand five hundred pounds, being five per centum upon two hundred and thirty thousand pounds, the amount of the estimate in respect of the railway, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall have either opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application of deposit.

63. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such

compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them: Provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of railway.

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

Tolls.

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

For passengers.

First. In respect of passengers conveyed upon the railway, or any part thereof, as follows:

For every person twopence per mile;

And if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile.

For animals.

Second. In respect of animals conveyed upon the railway, or any part thereof, as follows:

Class 1. For every horse, mule, or other beast of draught or burden, threepence per mile;

And if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile.

Class 2. For every ox, cow, bull, or neat cattle, twopence per head per mile;

And if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile.

Class 3. For every calf, pig, sheep, lamb, and other small animal, one penny each per mile;

And if conveyed in or upon a carriage belonging to the Company, an additional sum of one halfpenny per mile.

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Tonnage on articles of merchandise.

Third. In respect of goods and other things conveyed upon the railway, or any part thereof, as follows:

Class 4. For all coals, coke, culm, cannel, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, limestone, chalk, lime, bricks, salt, sand, fireclay, cinders, slag, and stone, per ton per mile twopence;

And if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny.

Class 5. For all dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, charcoal, stones for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile one penny halfpenny;

And if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny.

Class 6. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile twopence halfpenny;

And if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny.

Class 7. For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence;

And if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny.

For every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform belonging to the Company, sixpence per mile;

And a like sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

66. The Company may demand for the use of engines for propelling carriages on the railway any sum not exceeding one penny per mile for each passenger or animal, or for each ton of goods or other articles.

Maximum rates of charge.

67. The maximum rates of charge to be made by the Company for the conveyance of passengers along the railway, including the tolls for the use of the railway, and of carriages, and for locomotive

power, and every other expense incidental to such conveyance, shall not exceed the following sums; (that is to say,)

For passengers.

For every passenger conveyed in a first-class carriage, threepence per mile;

For every passenger conveyed in a second-class carriage, twopence per mile;

For every passenger conveyed in a third-class carriage, one penny farthing per mile;

For animals and goods.

And the maximum rates of charges to be made by the Company for the conveyance of animals and goods, including the tolls for the use of the railway and waggons or trucks, and for locomotive power, and every other expense incidental to such conveyance (except a reasonable sum for loading, covering, and unloading of goods at any terminal station of such goods, and for delivery and collection, and any other services incidental to the duty or business of a carrier, where such services or any of them are or is performed by the Company), shall not exceed the following sums; (that is to say,)

For every animal in Class 1, fourpence per mile;

For every animal in Class 2, threepence per mile;

For every animal in Class 3, one penny halfpenny per mile;

For everything in Class 4, twopence per ton per mile;

For everything in Class 5, twopence per ton per mile;

For everything in Class 6, threepence per ton per mile;

For everything in Class 7, fourpence per ton per mile;

And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence.

Regulations as to the tolls.

68. The following provisions and regulations shall be applicable to the fixing of such tolls and charges; (that is to say,)

Short distances.

For articles or persons conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles:

Fractional part of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls on animals and merchandise for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile, and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

Fractional part of a ton.

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if there

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be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton:

General weight.

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

Weight of stone and timber.

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

Terminal station.

69. No station is to be considered a terminal station in regard to any goods conveyed on the railway which have not been received thereat direct from the consignor of such traffic, or are not directed to be delivered thereat to the consignee.

Tolls for small parcels and great weights.

70. And with respect to small packages not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates of tolls prescribed by this Act, the Company may lawfully demand the tolls following; (that is to say,)

For the carriage on the railway or any part thereof of any parcel not exceeding seven pounds in weight, threepence;

For the carriage of any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence;

For the carriage of any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence;

For the carriage of any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence;

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

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

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

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

Passengers luggage.

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

Company may take increased charges by agreement.

72. Provided always, that nothing herein contained shall be held to prevent the Company from taking any increased charge, over and above the charges herein-before limited, for the conveyance of goods of any description by agreement with the owners of or persons in charge of such goods, either in respect of the conveyance thereof (except small parcels) by passenger trains, or by reason of any other special service performed by the Company in relation thereto.

Foregoing charges not to apply to special trains.

73. Provided also, that the restriction as to the charges to be made for passengers shall not extend to any special train that may be required upon the railway, but shall apply only to the ordinary and express trains appointed or to be appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Power to use bridge over Thames as a foot-bridge.

74. The Company shall adapt as a foot-bridge the bridge for carrying the railway over the Thames, and they may demand and take from every person passing over the bridge on foot any toll not exceeding one halfpenny.

Power to the Company and to the London and South-western Railway Company to agree as to the joint station at Barnes.

75. The Company on the one hand, and the London and South-western Railway Company on the other, may enter into and carry into effect any contracts for or with respect to the purposes or any of the purposes following, and any incidental matters following; (that is to say,)

(1.) The adaptation of the Barnes Station of the London and South-western Railway Company to the requirements of the traffic of the railway hereby authorised:

(2.) The joint management and use of the said station:

(3.) The contributions, rents, charges, and allowances to be paid and allowed between and by the contracting companies.

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

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

The use and working of the railway:

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

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

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

The maintenance and repair of the railway:

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

The division between the companies of the receipts arising from the traffic of the railway.

Interest not to be paid on calls paid up.

77. The Company shall not, out of any money by this Act authorised to be raised by calls, debenture stock, or borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of 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.

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

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

79. Nothing herein contained shall be deemed or construed to exempt the railway from the provisions of any general Act relating to railways, or the better or more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

80. 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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