CHAPTER cliv.

An Act to enable the Metropolitan District Railway Company to extend their Railway to the Thames at Fulham; and for other purposes connected with the said Company

A.D. 1878.

[4th July 1878.]

WHEREAS the extension by the Metropolitan District Railway Company (who are herein-after called "the Company") of their railway to the Thames at Fulham, and the construction of a short railway to unite their railway with the North and South-western Junction Railway, near Acton, will be attended with public and local convenience, and the Company are willing at their own expense to construct the said works on the powers herein-after contained being conferred on them for that purpose:

And whereas it is expedient that the Company should be enabled to raise additional capital for the purpose of the said works, and that the provisions herein-after contained should be made with respect to a portion of the said additional capital:

And whereas by an agreement made the 25th day of April 1876, between the Midland Railway Company of the one part and the Company of the other part, the right to use the separate undertaking authorised by the Metropolitan District Railway Act, 1875, and called in the said agreement the Hammersmith Junction, is granted to the Midland Railway Company upon the conditions set forth in the said agreement, and the fourth article of the agreement provides for the creation of a Hammersmith junction fund, which is to be applied, first, to the payment of certain expenses relating to the working of the Hammersmith junction; secondly, to the payment of a sum equal to 4½ per centum per annum on the separate capital of 350,000*l.*, authorised by and issued under that Act; and, thirdly, the balance is to be paid to the Midland Railway Company; and the said agreement is set forth in the second schedule of the Midland Railway (Further Powers) Act, 1877, and is confirmed by the said Act; and it would be convenient to the two companies,

38 & 39 Vict. c. ccviii.

40 & 41 Vict. c. lxxxvi.

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and it has been agreed between them, that the payment by the Midland Company of the sum named in such agreement should be a fixed annual rent, and that the provisions herein-after contained should be made in that behalf:

And whereas it is also expedient that the other provisions herein-after contained should be made:

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act, and also 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 lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Middlesex, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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

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

Short title.

1. This Act may be cited as the Metropolitan District Railway Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Extending certain provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118.

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 nonpayment of calls;

The remedies of the creditors of the Company against shareholders;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

And also Parts I. and II. of the Companies Clauses Act, 1863, relating respectively to the cancellation and surrender of shares and to additional capital, 26 & 27 Vict. c. 118.

are (except where expressly varied by this Act) incorporated with and form part of this Act, and shall apply to the Company and to the capital by this Act authorised to be raised by them.

Interpretation of terms.

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. The expressions "parish clerks" and "clerks of the several parishes" in sections 7, 8, and 9 of the Railways Clauses Consolidation Act, 1845, shall, with reference to the Company, and as regards those parishes or extra-parochial places in which by the standing orders of either House of Parliament plans, sections, and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or extra-parochial place is included, mean in the first case the vestry clerks of those parishes, and in the second case the clerks of those district boards respectively; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute. 8 & 9 Vict. c. 20.

Power to make railways, &c. according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways and works herein-after described, with all proper stations, sidings, approaches, floating stages, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes. The railways and works herein-before referred to and authorised by this Act are—

A railway (1 mile 5 furlongs 5 chains and 20 links in length), to commence in the parish of Saint Mary Abbot, Kensington, by a junction with the existing railway of the Company at the south end of the platform of their West Brompton station, and to terminate in the adjoining parish of Fulham on the left

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bank of the River Thames at or near the Willow Bank Grounds by means of a low-water pier in the river:

The said railway and works are herein-after referred to as "the Fulham extension:"

A junction railway (3 furlongs and 6 chains in length), commencing in the parish of Acton in Middlesex by a junction with the North and South-western Junction Railway at about 572 yards measured in a north-easterly direction along that railway from the point where that railway crosses the Bollo Bridge Lane on the level, and terminating in the parish of Ealing in Middlesex by a junction with the railway No. 1 of the Ealing extensions of the Company about 220 yards measured in a north-westerly direction from the said level crossing:

All the said works will be in Middlesex.

Protecting certain lands of Mr. J. G. C. Addison.

Provided that, notwithstanding anything contained in this Act or in the deposited plans, it shall not be lawful for the Company, unless with the previous consent in writing of John Garrett Curtis Addison, or other the owner for the time being of the properties herein-after mentioned, to enter upon, take, or use, either temporarily or permanently, for the purposes or under the powers of this Act, any of the lands numbered respectively on the deposited plans 34, 35, 36, and 38A in the parish of Fulham.

Works in River Thames to be executed under direction of Conservators of the River Thames.

6. The pier by this Act authorised, and all or any temporary or permanent works connected therewith, shall, if constructed, be executed according to a plan and elevation and upon a site 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, 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 landing-place or pier and works connected therewith, and the Company shall within three months, after notice from the Conservators so to do, remove any materials for temporary works which may have been placed in the river by the Company, and on their failing to do so the Conservators shall remove the same, charging the Company with the expense of so doing, and the Company shall forthwith repay to the Conservators all expenses so incurred.

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

7. 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, without the consent of the Conservators of the River Thames, until the expiration of one calendar month after notice to the Conservators of the River Thames.

Lights to be exhibited during construction of works.

8. If during the making of the landing-place or pier and the works connected therewith any temporary works or materials are placed on the river the Company shall hang out and exhibit thereat or near thereto, and for ever after every night from sunset to sunrise, lights to be kept burning by and at the expense of the Company and proper and sufficient for the navigation and safe guidance of vessels, and the lights shall from time to time be altered by the Company in such manner, and be of such kind and number, and be so placed and used, as the Conservators of the River Thames by writing under the hand of their secretary shall approve, and in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds.

Company not to interfere with the bed of river.

9. Nothing in this Act contained shall authorise or empower the Company to embank or 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.

10. 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.

Saving rights of Conservators of the River Thames.

11. Except as herein expressly provided, nothing contained in this Act shall extend to or be construed to extend to prejudice or derogate from the estates, rights, interests, privileges, liberties, or franchises of the Conservators of the River Thames, or to prohibit, defeat, alter, or diminish any powers, authority, or jurisdiction which at the time of passing this Act the said Conservators did or might lawfully claim, use, or exercise.

Power to take easements, &c. by agreement. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

12. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the last-mentioned 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.

Company may underpin, &c. houses near railway if necessary.

13. And whereas in order to avoid injury to the houses and buildings within one hundred feet of the railway it may be necessary to underpin or otherwise strengthen the same, therefore it shall be lawful for the Company, at their own costs and charges, to

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underpin or otherwise strengthen any such house or building: Provided that at least ten days notice shall, unless in case of emergency, be given to the owner, lessee, and occupier of the house or building intended to be underpinned or otherwise strengthened, each such notice to be left on the premises, and that the Company shall be liable to compensate the owner, lessee, and occupier of every such house or building for any inconvenience, loss, or damage which may result to them by reason of the exercise of the powers granted by this enactment: Provided also, that if the owner, lessee, or occupier of any such house or building shall give within seven days after that notice counter notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be referred to an engineer to be agreed upon, or, in case of difference, to a civil engineer, to be appointed at the instance of either party by the Board of Trade, and such referee shall forthwith, upon the application of either party, proceed to inspect such house or building and determine the matter referred to him, and, in the event of his deciding that such underpinning or strengthening is necessary, he may, in his discretion, prescribe the mode in which the same shall be executed, and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building, and the cost of such referee shall be paid by the Company, and the cost of the reference (other than the cost of the referee) shall be in the discretion of the referee: Provided that nothing in this enactment contained, nor any dealing with the property in pursuance of this enactment, shall relieve the Company from the liability to compensation under the 68th section of the Lands Clauses Consolidation Act, 1845, or under any other Act: Provided also that every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act, 1845: Provided also, that nothing in this section shall repeal or affect the application of the 92nd section of the Lands Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 18.

Notice to be given of taking houses of labouring classes.

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

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Company to procure accommodation for persons of labouring classes to be displaced.

15. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes, as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice, and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands and dwellings, and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

38 & 39 Vict. c. ccviii. s. 17. extended to this Act.

16. Section 17 of the Metropolitan District Railway Act, 1875, (for protection of sewers,) shall, so far as the same is or may become applicable, extend and apply to this Act, and to the railway and works hereby authorised, in as full and complete a manner as if that section were re-enacted in this Act with reference thereto.

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

17. Whereas, pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, sixteen thousand two hundred and sixty-four pounds and eleven shillings three pounds per centum consolidated bank annuities, representing fifteen thousand three hundred and seventy pounds, being five per centum upon the amount of the estimate in respect of the railways by this Act authorised, has been transferred into the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum is herein-after referred to as the deposit fund: Be it enacted that, notwithstanding anything contained in the said Act, the said deposit fund 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, which persons, survivors, or survivor are or is in this Act referred to as the depositors, unless the Company shall, previously to the expiration of the period limited by this Act for the completion of the railways, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open

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any portion of the railways for the public conveyance of passengers, then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of that fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the court shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit fund.

18. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit, and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that,

until the deposit fund has been retransferred to the depositors or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

19. If the railways herein-before authorised by this Act are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Construction of bridges over public roads within the limits of the Metropolis. 25 & 26 Vict. c. 102.

20. In the construction of the railways and works the following rules shall be observed:

1. Every bridge whereby the railway will be carried across any public carriage-road or public street within the limits of the metropolis as defined by the Metropolis Management Amendment Act, 1862, shall be watertight, and so constructed as to so far as practicable deaden the sound of engines, carriages, and traffic passing over them:
2. The Company shall not commence the erection of any such bridge until they shall have given to the Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same, by leaving such notice at the office of the said Board, with plans, elevations, sections, and other necessary particulars of the construction of the said bridges, and until the said Board shall have signified their approval of the same, unless the Board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid:
3. The Company shall comply with and conform to all reasonable directions and regulations of the said Board in the execution and subsequent maintenance of the said bridge and works connected therewith, and shall save harmless the said Metropolitan Board of Works against all and every expense to be occasioned thereby, and all such works shall, subject to the provisions of this Act, be done to the reasonable satisfaction of the engineer or other officer or officers of the said Metropolitan Board of Works at the costs, charges, and expenses in all respects of the said Company, and all costs, charges, and expenses which the said Metropolitan Board may be put to by reason of the works of the Company,

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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.

Company not to authorise affixing of placards on their works near any street.

21. The Company shall not, except with the previous consent of the Metropolitan Board of Works, affix or authorise the affixing of any placards, bills, or advertisements, other than those relating to the business of the Company and the companies connected with them, to or upon the face of any wall, bridge, or other works to be constructed under the powers of this Act crossing or near to any street, and the Metropolitan Board of Works and their authorised officers may prevent the affixing of any such placard, bill, or advertisement, and if affixed may remove the same.

As to Eel Brook Common.

22. And whereas in the construction of the railway part of Eel Brook Common in the parish of Fulham is proposed to be acquired, therefore the Company, in consideration of being allowed to take and use, without payment, so much of the said common as may be required in making the railway (being the portion of land coloured red and yellow on the plan after mentioned), and before interfering with the said common, except for the purposes of this enactment, shall, as part of their works, acquire and lay into the said common in exchange so much of the lands in the said parish as are coloured blue upon a plan signed in duplicate by the Honourable Percy Wyndham, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, and the land so given in exchange shall for ever afterwards be deemed and held and used for all purposes as part of the said common, and the Company shall make and afford an access from the Fulham Road to the said common by constructing a road to be carried by a bridge over the railway upon the land coloured yellow upon the said plan, and such bridge shall be at all times maintained by the Company, and the said access shall be made to the satisfaction of the engineer for the time being of the said Metropolitan Board of Works; and upon the completion of the said access the footpath and private road which now affords access to the common may be closed by the Company.

For protection of joint lessee companies of the North and South-western Junction Railway. 34 & 35 Vict. c. cxcii.

23. Notwithstanding anything herein contained, it shall not be lawful for the Company, or any person acting under or in execution of this Act, to enter upon, occupy, or use, either permanently or temporarily, any of the works, lands, or property of the joint lessee companies of the North and South-western Junction Railway under the North and South-western Junction Railway Act, 1871, or in any manner to alter, vary, or interfere with such railway, or

the works thereof or connected therewith, without the consent of the said joint lessee companies under their respective common seals, save only for the purpose of effecting the junction by this Act authorised; and the said joint lessee companies may at any time or times hereafter, should it be necessary for them to do so, at their own expense, either for widening their line or any other works connected with their said railway, alter or remove such junction and substitute a new junction therefor, but so as such alteration or removal or substituted junction shall not stop the traffic of the railway by this Act authorised, and secondly described in section 5, or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction, as the case may be, or the signals, works, and conveniences connected therewith.

For protection of highways, sewers, &c. in the Fulham District.

24. For the protection of the Board of Works for the Fulham District be it enacted as follows:

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

(2.) Before the Company shall commence any works in the Fulham District which shall cause any temporary diversion or obstruction of any public highway, road, or street, or any portion thereof, or which shall cause any inconvenience to traffic, the line of the said diversion and the arrangement and provision for the passage of traffic shall be submitted for the approval of the Board of Works for the Fulham District, and the Company shall, before commencing any such works, at their own expense make such arrangement and provision for the passage of traffic as the said board shall in writing reasonably require; but if the Fulham District Board of Works do not within seven days specify what works or provisions they require for the passage of traffic, the Company shall be at liberty to do such works and to make such provisions as they may think fit for the accommodation of the traffic:

(3.) The Company shall, within six months after any part of any public highway, road, or street within the Fulham District shall have been first broken up, fill up and restore in a well rammed and workmanlike manner, in such manner and with such materials, not being of more expensive description

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than that broken up, as the Board of Works for the Fulham District may (in writing) reasonably direct, and to the reasonable satisfaction of the said board, the said highways, roads, or streets, including the footways thereof; and the Company shall also at their own expense keep and maintain, with the materials above described, in such manner as the board may from time to time (in writing) reasonably require, the said highways, roads, or streets, including the footways thereof, in good and substantial repair in every respect to the reasonable satisfaction of the said board for three months next after the same shall have been so restored as aforesaid; and if the Company fail, refuse, or neglect to comply with the written request of the said board, and do not execute such works with the materials above described, and in such manner as the said board may direct, then and in that case the said board may themselves, or by their officers or contractors, at the expiration of fourteen days after the service of the notice of request to the Company (which notice of request shall be delivered at the office of the Company), proceed to execute the works, matters, and things referred to in the said notice of request, and the Company shall pay to the board on demand the cost of the works so executed:

(4.) In the formation of all bridges or arches within the district of the Board of Works for the Fulham District carrying the railway over any public highways, or other highways, roads, or streets other than footpaths, or carrying the said public highways or other highways, roads, or streets other than footpaths over the railway, the said bridges or arches shall be constructed and maintained of the full width of forty feet throughout between the abutments or parapets measured upon the square, and in the case of all public highways or other highways, roads, or streets of greater width than forty feet, the said bridges or arches shall be constructed and maintained of the full width of the said highways, roads, or streets: Provided that where the railway crosses over the junction of the High Street, Fulham, and Hurlingham Lane it shall be lawful for the Company to erect two columns or pillars so as to divide the arch or bridge into two spans as nearly as may be equal, and the exact position of such columns or pillars shall be settled by the surveyor of the Fulham District Board of Works, and the said arches or columns during erection shall be sufficiently lighted at night with two

lamps at least at the cost of the Company. If the Company acquire the property marked 239 on the plans, they shall round off the corner near Hurlingham Lane to the reasonable satisfaction of the said board. If the Company acquire the property marked 48 on the plans, they shall throw a sufficient portion thereof into the public road to make the same at least forty feet in width, as may be approved by the said board:

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

(6.) All such bridges or arches shall have a clear height or headway of not less than sixteen feet, measured from the crown of the carriageway to the under side of the arch or girder:

(7.) No alteration beyond that authorised by this Act of the surface levels of the public highways, or other highways, roads, or streets, shall be made by the Company without the previous sanction (in writing) of the Board of Works for the Fulham District being obtained:

(8.) In the construction of the railways and works the lines and levels delineated and shown upon the deposited plans and sections shall be kept and adhered to absolutely and in every respect, subject to the powers of deviation defined in this Act: Provided, nevertheless, that the Board of Works for the Fulham District may, if they deem it advisable so to do, consent in writing to any further alteration of the said line and levels, and then and in that case only the Company may so vary or alter the line or levels of the railway and works to a line and levels approved by the said board:

(9.) The Company shall, at their own expense, during the construction of the railway, at all times fence and guard, and at night cause to be lighted and watched any public road or street, or any sewer or drain, opened or broken up by them in the Fulham District:

(10.) The flanks or parts of any houses which may be removed wholly or partly or be altered by the Company for the purpose of the works hereby authorised shall be well and sufficiently restored or built up in a workmanlike manner to prevent any unsightly appearance, and shall not be used as an advertising station, but only for notices connected with

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the Company or any railway company in connexion with them:

(11.) The Company shall not place or allow to be placed on the outside of any station, bridge, or building in the Fulham District any notice board or placard except those relating to the business of the Company, and of any railway company in connexion with them:

(12.) In addition and without prejudice to the provisions herein contained for the protection of the Fulham Board the Company shall not, unless with the previous written consent of the said board to the contrary, narrow the roadway called the London Road and Ann's Terrace, and footways thereof; and will make the bridge or arch carrying the railway and works over the four highways at the junction with Church Road of the clear uninterrupted width of the space between the line of the houses marked 236 to 237 on the said plans and the line of the house marked 242; but with two columns to divide the span as aforesaid; and also in addition, and without prejudice as aforesaid, the Company shall at their own expense, and to the reasonable satisfaction of the said board, make and coat the carriageway over and under the said bridges and arches, and also the bridges or arches over Parson Green Lane, Munster Road, and King's Road, and for a distance of fifty feet on each side, with three inches of new Guernsey granite, and pave with three-inch Yorks or other approved stone the footways over and under all the said bridges and works respectively, and for a distance of fifty feet on each side, and for a clear width of not less than seven feet on each side, and keep the same in good repair for six months after completion to the same satisfaction of the said board. The existing metalling and paving in the roads is to become the property of the Company, and is to be used at their discretion in the repairing as far as such materials are fit for the purpose:

(13.) While the Company are possessed under the authority of this Act of any lands, houses, buildings, or other property assessed or liable to be assessed to any district, general, or special rate, and until any works to be constructed in the Fulham District are so far completed as to be assessed or liable to be assessed to any amount equal to or greater than the aggregate of the gross rateable value of the said lands, houses, buildings, and property in the last rate made under any precept issued by the Board of Works for the Fulham

District, the Company shall be liable to make good the deficiency in the assessments by reason of such lands, houses, buildings, or other property being taken or used by them, and the deficiency shall be computed according to the rental at which such lands, houses, buildings, and property are now rated under the last precept issued by the said board:

(14.) All works affecting any public road or sewer under the jurisdiction of the Board of Works for the Fulham District shall be executed and done to the reasonable satisfaction of the said board, and at the cost, charges, and expenses of the Company, the reasonable costs of the board on superintending the Company's works to be paid by the Company:

(15.) When any of the intended works to be done under or by virtue of this Act shall or may pass over, under, or by the side of or so as to interfere with any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Board of Works for the Fulham District, or with any sewers or works to be made or executed by the said board, or shall or may in any way affect the sewerage or drainage of the district under their control, the Company shall not commence such work until they shall have given to the said board fourteen days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the said board for the time being, with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto, and until the said board shall have signified their approval of the same, (unless the said board do not signify their approval, disapproval, or other directions within fourteen days after the service of the said plan, sections, and particulars aforesaid,) and the Company shall comply with and conform to all reasonable orders, directions, and regulations of the said board in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as the said board may deem necessary for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the intended works, or any part thereof, and shall save harmless the said board against all and every the expense to be occasioned thereby, and all such works shall be done by or under the direction, superintendence, and control of

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the engineer, or other officer or officers of the said board (unless such board refuses or neglects to give such superintendence at the time specified in such notice as aforesaid, or discontinue the same during the work), at the costs, charges, and expenses in all respects of the Company; and all reasonable costs, charges, and expenses which the said board may be put to by reason of the works of the Company, whether in the execution of the works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to the said board by the Company on demand; and when any new, altered, or substituted works as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said board as any new sewers or works now are or hereafter may be; and nothing in this Act shall extend to prejudice, alter, diminish, or take away any of the rights, powers, or authorities vested or to be vested in the said board, or of their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed:

(16.) Any difference which may arise between the Company and the Board of Works for the Fulham District under these provisions shall be from time to time referred to and be determined by an arbitrator to be appointed on the application of either party by the Board of Trade, and the costs of the arbitration shall be in the discretion of the arbitrator:

(17.) In these protective clauses the words "public highways" are intended to mean and shall mean and include any public carriage-road or street, and the footways thereof, of which the maintenance of the paving or the repairing thereof has been taken into charge and assumed by the Board of Works for the Fulham District, and the words "other highways, "roads, or streets," shall mean and include all other the roads, streets, and public carriage-roads within the Fulham district.

For protection of Ecclesiastical Commissioners.

25. For the purpose of providing and securing to the Ecclesiastical Commissioners and to their sequels in estate (who are herein-after included together under the expression "the commissioners"), and to the occupiers of their estate in the parish of

Fulham, communication between the portions of their estate lying to the eastward of the proposed railway and the High Street or Bridge Road, Fulham, and otherwise for their protection, the provisions next herein-after following shall have effect; (that is to say,)

(A.) The Company may, in the construction of the railway where it passes through the Commissioners lands Nos. 253 and 254 on the deposited plans, deviate the centre line of their railway from that shown upon the deposited plans to such extent as they think fit, but so that the whole of the line when constructed shall be within the limits of deviation. The Company shall not, without the consent of the said Commissioners, to be signified in writing under the hand of their secretary, and then only to the extent to which such consent may be so signified, take any lands of the said Commissioners lying on the east side of the railway as constructed, or as subsequently widened, except as may be absolutely required for the construction of the railway or pier, or a passenger station and works in connexion with such station, and if any such extra lands are taken, the same shall be used for no other purpose than such station or works:

(B.) The Company shall construct the railway through the lands numbered 253 and 254 on the deposited plans of the railway on a brick viaduct of an ornamental character and design, the architectural details of which viaduct shall, before the erection thereof, be submitted to and approved by the said Commissioners in writing under the hand of their secretary, and any difference between the parties on such details shall be referred to arbitration as herein-after provided:

(C.) Simultaneously with the construction of the railway the Company shall make, and thereafter until the same shall be taken to by the vestry of Fulham, or the local authority for the time being having the charge of the public streets and roads within the said parish, maintain a properly metalled roadway forty feet wide, including raised footpaths with curbstones on each side thereof, and proper sewers and side drains thereunder, for the purpose of affording access for the Commissioners and their tenants from the High Street or Bridge Road at Fulham aforesaid to that portion of the Commissioners estate lying east of the lands to be taken by the Company; provided always, that the exact site of such road shall be approved by the Commissioners in manner aforesaid, but so that the centre line of

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such road shall be not less than two hundred and forty feet and not more than three hundred feet from the termination of the railway on the banks of the Thames:

(D.) The bridge to carry the railway over such road shall have a clear unbroken width throughout of forty feet between the supporting walls on each side, and a clear headway of fifteen feet in every part of the roadway proper, and such bridge shall be constructed and for ever after maintained in a watertight condition, so as to be free from drip as far as practicable:

(E.) The Company shall, when constructing the road from the High Street or Bridge Road to the Commissioners estate, fence the same on both sides throughout the entire length of such road with a brick wall of not less than six feet in height; and in the event of any differences arising under this agreement the matter shall, except where otherwise provided, be referred to and shall be decided by an engineer to be appointed on the application of the Company or the Commissioners by the President for the time being of the Institute of Civil Engineers. The costs of such application and of any reference to arbitration under this provision shall be in the discretion of the umpire.

For protection of the West London Extension Railway Company.

26. The Company in constructing the railway under the powers of this Act called the "Fulham extension" 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 occupied by the existing lines of railway, and five feet on each side of the outer rails thereof at the said point of crossing, and so much of the railway as extends from the commencement thereof to the point where it is proposed to cross under the West London Extension Railway shall be constructed as a double line of railway only, and as near to the wall on the west side of the West of London and Westminster Cemetery as practicable, so as to allow of the making and construction by the West London Extension Railway Company at any time hereafter of such additional lines of railway or sidings as they may require to make and construct between their railway and the railway authorised by this Act called the "Fulham extension:"

(2.) The Company shall construct the bridge or other works by which the railway shall be carried under the West London Extension Railway of such a length as to give the West

London Extension Railway a clear width between the parapets of not less than forty-eight feet measured on the square, 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 alongside of or 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 bridge or other works by which the railway shall be carried alongside of or 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 bridge or other works by which the railway shall be carried alongside of and 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 the same within one month of such submission of such plans, 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 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

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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 alongside of and 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 is 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.

Saving rights of proprietors of Putney Bridge.

27. Except as in this Act expressly provided, nothing in this Act contained shall prejudice or affect the powers, rights, or privileges now possessed by the proprietors of the Putney Bridge, or affect their right to compensation for any property which may be taken for the purpose of the railway and works by this Act authorised.

Tolls for use of railways.

40 & 41 Vict. c. ccxxxiii.

28. The Company may demand and take for the use of the railways by this Act authorised, and for the supply of carriages, waggons, or trucks, any tolls not exceeding those which they are authorised by the Metropolitan District Railway Act, 1877, to demand and take for the use of the Ealing extensions; and all the provisions contained in sections 18 to 27 of that Act (both inclusive) shall apply to the railways herein-before authorised.

Lands for extraordinary purposes.

8 & 9 Vict. c. 20.

29. 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 half an acre.

Period for compulsory purchase of lands.

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

Power to raise additionalcapital.

26 & 27 Vict. c. 118.

31. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital, not exceeding in the whole three hundred and thirty-five thousand pounds, by the issue at their option of new ordinary shares or stock,

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but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth part of the amount of such share shall have been paid in respect thereof, and the capital so raised by them shall, subject to the provisions herein-after contained, form part of the capital of the Company.

Application of moneys.

32. All moneys raised by the Company under this Act, whether by shares or stock, shall be applied to the purposes of this Act.

Receipt in case of persons not sui juris.

33. If any money is payable to a holder of shares or stock in the Company being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Provision for separation of undertaking.

34. In the event of the directors of the Company passing a resolution to the effect that it is expedient that the capital (the amount of which shall be specified in such resolution and shall not exceed three hundred thousand pounds) to be raised under this Act for the purposes of the Fulham extension, and that the Fulham extension hereby authorised shall be constituted a separate capital and undertaking, and on such resolution being confirmed at an extraordinary general meeting of the Company, convened with due notice of the matter, and by the votes of proprietors present in person or by proxy, holding at least three fourths of the paid-up capital represented at such meeting, the Fulham extension by this Act authorised, together with all lands, buildings, and property to be purchased for the purposes thereof, shall form a separate undertaking distinct and apart from the rest of their undertaking, and shall be called the Metropolitan District (Fulham Extension).

Provision for management of separate undertaking.

35. Provided always, that the directors of the Company shall have the working and management of the affairs of the said separate undertaking, and they, and any committees appointed by them for the purposes of that undertaking, shall have and shall exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to the rest of the undertaking of the Company.

Prescribing how terms to be settled.

36. The terms and conditions upon which such separate undertaking shall be worked and managed by the Company, and the dividends or annual or other sums to be paid to or upon the shares or stock constituting the said separate capital, out of the gross receipts arising from traffic passing as well upon such separate undertaking as upon such separate undertaking and the other

railways of the Company, and the payment to be made in respect of the use of such separate undertaking for the traffic of the Company, shall be such as shall be defined and settled by an extraordinary general meeting of the Company, duly convened with notice of the object, and by such votes as aforesaid, and the substance of such terms and conditions shall be endorsed upon the certificates of the shares or stock constituting the separate capital of such separate undertakings upon the creation and issue of the same.

Separate undertaking exempt from mortgages on original undertaking.

37. The separate undertaking, and the revenue arising therefrom, shall not be liable for any mortgage or debenture debt or other charge upon any other part of the undertaking of the Company or for the payment of interest thereon.

Providing for separate accounts.

38. Separate accounts shall be kept of the capital and revenue of the separate undertaking, and of the payments made in respect to the said capital and revenue, in the same form as nearly as may be and subject to the same conditions as such accounts would be kept if the separate undertaking belonged to an independent company.

Extension to be worked in an efficient manner.

39. After the opening of the said separate undertaking for public traffic, the Company shall work the same and convey traffic thereon in a proper manner, and so as fairly to accommodate and develop the traffic of the district to be served by the said undertaking. In case any difference shall arise between the Company and any of the holders of stock or shares in the separate capital with respect to the working or non-working or insufficient working by the Company of the said undertaking, or otherwise in relation thereto, whereby the holders of such shares or stock deem themselves to be injuriously affected, such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party, and such arbitrator shall have full power to settle and determine any such difference, and to order the Company to do or to abstain from doing all such acts, matters, and things as he shall think fit, and to make such order with respect to the costs of such arbitration as he shall think just. In case the Company make default in complying with any such order within the time thereby prescribed, then and in every such case the Company shall for every such default be liable to a penalty not exceeding fifty pounds, and to a further penalty not exceeding fifty pounds for every day after the first during which such default shall continue.

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Providing for payment on separate capital of 1875.

40. Instead of the provisions contained in the fourth article of the recited agreement of the 25th day of April 1876, the Midland Railway Company shall, as from the first day of July one thousand eight hundred and seventy-eight, pay to the Company in half-yearly amounts a sum by way of rent equal to four per centum per annum upon three hundred and fifty thousand pounds, the amount of capital expenditure upon the Hammersmith junction, forming a separate capital stock created by virtue of the Metropolitan District Railway Act, 1875, and such rent shall be applied by the Company in payment of dividends upon the said stock; and the Hammersmith junction fund provided by the said fourth article shall thenceforth be constituted and applied as follows:

38 & 39 Vict. c. ccviii.

The said fund shall consist of—

(*a.*) The mileage proportion due to the Hammersmith junction of the receipts from all traffic conveyed thereon or thereover by the District Company and all other companies or persons:

(*b.*) The receipts accruing (according to the ordinary practice of railway companies) to the Hammersmith junction from all other sources:

and the said fund so constituted shall be applied in each year as follows:

Thére shall be paid thereout to the District Company such a proportion of the amount standing to the credit of the fund as the gross working expenses of their railway in the previous year bore to their gross receipts for that year:

The balance of the Hammersmith junction fund shall be paid to the Midland Company.

Interest not to be paid on calls paid up.

41. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 16.

Deposit for future Bills not to be paid out of capital.

42. 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.

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

43. Nothing in this Act contained shall exempt the Company or the 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.

Expenses of Act.

44. 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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