CHAPTER clxiii.

An Act to enable the Midland and South-western Junction Railway Company to abandon a certain railway and for other purposes. [12th August 1889.]

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WHEREAS by the Swindon Marlborough and Andover and Swindon and Cheltenham Extension Railway Companies (Amalgamation) Act 1884 the Swindon Marlborough and Andover and the Swindon and Cheltenham Extension Railway Companies were amalgamated under the name of the Midland and South-western Junction Railway Company (herein-after called "the Company"):

And whereas the authorised undertaking of the Company consists of:—

(*a.*) A railway from Andover Junction on the London and South-western Railway to Andoversford on the Banbury and Cheltenham Direct Railway with a junction with the Great Western Railway at Swindon:

(*b.*) A railway from Cirencester to Fairford on the East Gloucestershire Railway: and

(*c.*) A separate undertaking called the southern section consisting of a railway from Totton on the London and South-western Railway to Stone Point on the Solent with a pier at Stone Point:

With power to run over and use the Marlborough Railway and certain portions of the Great Western London and South-western and Banbury and Cheltenham Direct Railways:

And whereas the railways of the Company from Andover to Cirencester and the junction at Swindon have been constructed and are open for traffic and the Company are actively proceeding with the construction of the railway from Cirencester to Andoversford:

And whereas the southern section undertaking has been vested in the South Hampshire Railway and Pier Company in pursuance of

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the provisions contained in the South Hampshire Railway and Pier Act 1886 and the South Hampshire Railway and Pier Act 1889:

And whereas the period limited for the compulsory purchase of lands by the Swindon and Cheltenham Extension Railway Act 1884 for the purposes of the last-mentioned portion of railway has expired and the period limited for the construction thereof expired on the twenty-third day of June one thousand eight hundred and eighty-nine and it is expedient that such respective powers should be revived and extended to the extent and effect in this Act mentioned:

And whereas it is expedient that the Company should be authorised to acquire additional lands for the purposes of their undertaking:

And whereas doubts have been raised as to the power of the Company to run over and use a portion of the Banbury and Cheltenham Direct Railway and it is expedient that those doubts should be removed and that the Company should have the running powers in this Act defined:

And whereas it is expedient that the following railway part of the authorised undertaking of the Company should be abandoned viz.:—

The Railway No. 2 authorised by the Swindon and Cheltenham Extension Railway Act 1881 and described in section 5 of that Act:

And that provision should be made for the release and application of the deposit made in pursuance of the standing orders of Parliament with reference to that undertaking:

And whereas it is expedient that such arrangements should be authorised and such powers conferred with reference to other undertakings companies and persons as are herein-after provided:

And whereas plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Gloucester and are herein-after referred to as the deposited plans and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons

in this present Parliament assembled and by the authority of the same as follows:— A.D. 1889.

Short title

1. This Act may be cited as the Midland and South-western Junction Railway Act 1889.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the Midland and South-western Junction Railway Company:

"The Swindon Act of 1882" means the Swindon Marlborough and Andover Railway Act 1882:

"The Swindon Act of 1884" means the Swindon Marlborough and Andover and Swindon and Cheltenham Extension Railway Companies (Amalgamation) Act 1884:

"The Cheltenham Act of 1881" means the Swindon and Cheltenham Extension Railway Act 1881:

"The Cheltenham Act of 1884" means the Swindon and Cheltenham Extension Railway Act 1884:

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

Additional lands for station at Cheltenham.

4. Subject to the provisions of this Act the Company may for the purpose of extending and enlarging the stations of the Midland Railway Company at Cheltenham and for the other purposes of the undertaking of the Company enter upon take and use such of the additional lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes:

For protection of Midland Railway Company.

Provided nevertheless that the Company shall not without the consent in writing of the Midland Railway Company take or interfere with any land belonging to that Company.

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Power to take easements, &c. by agreement.

5. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

6. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act Provided nevertheless that such powers as regards lands belonging or reputed to belong to the corporation of Cheltenham (herein-after called "the corporation") shall cease after the expiration of twelve months from the passing of this Act.

Provisions for protection of the corporation of Cheltenham.

7.—(1.) The Company shall before interfering with any of the land of the corporation or the existing road from the Arle Road to the land of the corporation construct to the reasonable satisfaction of the borough surveyor and convey to the corporation the land whereon the same is so constructed in exchange for the land whereon the present road is constructed a properly metalled road from the Arle Road to the land of the corporation of a width of not less than twelve feet in the clear and of the heights and levels shown on the section marked B signed by Sir Julian Goldsmid Baronet the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred with proper and sufficient retaining walls and bridges over the Chelt and a close boarded fence along the west side of the road with oak posts six feet in height and the Company shall not until the said road is completed and fit for traffic take or use the existing road from the Arle Road but the same may continue to be used by the corporation.

(2.) The Company shall not except by and with the consent of the corporation take any of the land of the corporation other than that shown on the ground plan marked A signed by Sir Julian Goldsmid and coloured pink thereon and any diversion of the stream known as the Chelt that may be rendered necessary by the execution of the foregoing works shall be made and done by and at the expense of the Company as shown on the said plan.

(3.) In estimating the compensation to be paid to the corporation for the land to be taken from them by the Company the corporation shall be entitled to be paid for all works done and executed by the

corporation on their land for the purpose of obtaining access to their destructor before the actual completion of the purchase of such land and the construction of the road aforesaid which may be rendered useless by the taking of their land or the Company may in lieu thereof execute at their own cost such works as may be necessary for giving such access.

(4.) The Company will not by means of or on account of their works obstruct or interfere with the making and carrying into effect of any agreement which may hereafter be made between the corporation and the Midland Railway Company for access by the corporation from their land to the Midland Railway but will free of cost other than the actual cost of works for giving access from the Midland Railway to the land of the corporation as it now stands which shall be paid by the corporation give facilities over the land acquired by them from the corporation for carrying into effect any such agreement.

Revival of powers to take lands.

8. The powers of the Company for the compulsory purchase of the lands described in the schedule to this Act under the Cheltenham Act of 1884 are hereby revived and extended and shall continue in force until the expiration of three years from the twenty-third day of June one thousand eight hundred and eighty-seven.

Extension of time for completion.

9. The time limited by the Cheltenham Act of 1884 for the completion of the railway and works by that Act authorised shall be and the same is hereby extended and enlarged and the powers of the Company are hereby revived and shall continue in force until the expiration of three years from the twenty-third day of June one thousand eight hundred and eighty-nine and that period shall for all purposes be deemed to be the period originally limited by the Cheltenham Act of 1884 for the completion of such railway and works.

Power to apply corporate funds to purposes of Act.

10. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage or by debenture stock by any Act relating to the Company and which may not be required for the purposes to which they are by any such Act made specially applicable.

Power for the Company to raise additional capital.

11. 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 twenty-one thousand pounds by the issue of new ordinary shares or stock 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

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sum not being less than one fifth of the amount of such share shall have been paid in respect thereof and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices; and

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

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 shall subject to the provisions of this Act extend and apply to the Company and to the additional capital which they are by this Act authorised to raise.

New shares or stock to be subject to the same incidents as other shares or stock.

12. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall subject to the provisions of this Act form part of the capital of the Company.

Dividends on new shares or stock.

13. Except as by this Act otherwise provided every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called, and paid on such new shares or to the whole amount of such stock as the case may be.

Receipt clause in case of persons non sui juris.

14. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of

the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

15. 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 the capital by this Act authorised to be raised into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

16. 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 pounds 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.

Dividend on preferred shares to be paid out of profits of the year only.

17. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

18. 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

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but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

19. 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.

20. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

21. 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.

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

Power to borrow.

23. The Company may in respect of the additional capital of twenty-one thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole seven thousand pounds but no part thereof shall be borrowed until shares for so much of such additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the

time of the issue or acceptance thereof and until stock for one half of so much of such additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

24. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal or interest or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision The mortgagees of the undertaking may enforce payment of arrears of principal or interest or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Application of moneys.

25. All moneys raised under this Act shall be applied only to the purposes of this Act to which capital is properly applicable.

Retransfer of stock deposited in respect of railway struck out of Bill.

26. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of three thousand four hundred and fifty pounds two pounds fifteen shillings per centum consolidated stock being equal to five per centum upon the amount of the estimate in respect of the railway proposed to be authorised by the Bill for this Act as introduced into Parliament has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act And whereas during the progress of the said Bill through Parliament the power to make

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the said railway was struck out of the Bill Therefore on the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of Her present Majesty chapter twenty or of the survivor of them or of the executors or administrators of the survivor at any time after the passing of this Act the High Court of Justice in England may and shall order that the said sum of three thousand four hundred and fifty pounds two pounds fifteen shillings per centum consolidated stock and the interest and dividends thereof shall be transferred and paid to the persons or person so applying or to any other persons or person whom they or he may appoint in that behalf.

Part of authorised railways to be abandoned.

27. The Company shall abandon the construction of—

The Railway No. 2 authorised by the Cheltenham Act of 1881 and described in section 5 of that Act:

And from and after the passing of this Act the Company shall except only as is by this Act otherwise expressly provided be absolutely freed from all obligations with respect to the said railway.

Compensation for damage to land by entry &c.

28. The abandonment by the Company under the authority of this Act of the Railway No. 2 authorised by the Cheltenham Act of 1881 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or in the Cheltenham Act of 1881.

Compensation to be made in respect of railway abandoned.

29. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railway authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the

compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Release of deposit.

30. 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 there was transferred into the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for the Railway No. 2 authorised by the Cheltenham Act of 1881 a sum of three per cent. consolidated bank annuities now converted into four thousand eight hundred and eighty-three pounds two pounds fifteen shillings per cent. consolidated stock representing five per centum upon the amount of the estimate in respect of the said railway which is by this Act authorised to be abandoned And whereas the Company have long since paid to the depositors named in the warrant or order issued in pursuance of the said Acts the cash value of the said four thousand eight hundred and eighty-three pounds consolidated stock and that stock and the moneys represented thereby now belong to the Company Therefore subject to the provisions of section 30 of the Cheltenham Act of 1881 for payment of compensation to landowners and other persons injured and for the protection of creditors the High Court of Justice in England may and shall at any time after the passing of this Act on the application of the Company order that the said sum of four thousand eight hundred and eighty-three pounds two pounds fifteen shillings per cent. consolidated stock or other the stocks or funds by which the same may be represented and the interest and dividends thereon shall be transferred to the Company or to any person or persons whom the Company may appoint in that behalf.

Application of deposit.

31. The said sum of four thousand eight hundred and eighty-three pounds consolidated stock shall subject to the provisions of this Act and of section 30 of the Cheltenham Act of 1881 for payment of compensation to landowners and other persons injured and for the protection of creditors be applied by the directors of the Company—

(*a.*) In payment of the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto;

(*b.*) And subject thereto to the general purposes of the Company to which capital is properly applicable.

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Provision as to running powers over portion of Banbury and Cheltenham Railway.

32. Sub-section (*b.*) of section 44 of the Cheltenham Act of 1881 is hereby repealed and the following sub-section shall be substituted in lieu thereof:—

(*b.*) So much of the Banbury and Cheltenham Direct Railway as lies between the junction therewith of the deviation railway authorised by the Cheltenham Act of 1884 and the junctions of that railway with the Great Western Railway (Cheltenham Branch) and the Midland Railway (Bristol and Derby Line).

Midland and South-western Junction Railway Company not to oppose line from Fairford to Cirencester.

33. If within four years from the passing of this Act the East Gloucestershire Railway Company (herein-after called the East Gloucestershire Company) or any company or persons in the interests of the East Gloucestershire Company (herein-after called the promoters) shall promote or apply to Parliament for powers to construct and maintain a railway or railways between the East Gloucestershire Railway at Fairford and the railway or railways of the Company at or near Cirencester with all necessary junctions and conveniences so as to connect such projected railway or railways with the railways of the Company the Company shall afford all reasonable assistance to such projected undertaking and shall not oppose or otherwise prejudicially interfere with the promotion of the same but shall assent to such application subject to the provisions next herein-after contained.

Power to use stations and portions of the Midland and South-western Railway.

34. The Company shall if and when requested by the East Gloucestershire Company or the promoters with all reasonable despatch provide and lay down such junctions works and conveniences at their stations at or near Cirencester and complete the same for use for passenger and goods traffic to the satisfaction of the Board of Trade together with such other works and conveniences as shall be necessary for the exercise of the running powers herein-after given over the said junctions and over so much of the railway of the Company as extends from such junctions to their Cirencester Station and the charges and expenses of so providing the said junctions works and conveniences shall be borne and paid by the East Gloucestershire Company or the promoters on the certificate of the engineer of the Company Provided that if any difference arise between the Company and the East Gloucestershire Company or the promoters as to the reasonableness of such charges and expenses such difference shall be determined by an arbitrator to be appointed by the Board of Trade as aforesaid and upon such completion the East Gloucestershire Company or the promoters if and so long as that Company or the promoters do not in the opinion of an arbitrator appointed by the Board of Trade act hostilely or enter into competition with the Company may run over and use with their

engines and carriages waggons and trucks and their officers and servants and for the purposes of traffic of every description :—

So much and such portion of the Midland and South-western Junction Railway as is situate and lies between the junction therewith of the said intended railway or railways near Cirencester and the station of the Company at Cirencester including that station.

Terms of such user.

35. The terms conditions and regulations to which the East Gloucestershire Company or the promoters shall be subject in respect of the said use and the tolls or other consideration to be paid by them for the same shall if not agreed upon between them and the Company be from time to time determined by an arbitrator to be appointed by the Board of Trade upon the application of either of the parties and the decisions of such arbitrator shall be binding and conclusive on all the parties in difference and the costs and expenses of the arbitration shall be defrayed as the arbitrator shall direct and either of the said parties who shall refuse or neglect to perform observe and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to the other party as the arbitrator shall determine any sum not exceeding fifty pounds for every such offence and twenty pounds for every day during which such offence shall continue.

For protecting local traffic.

36. In exercising the powers herein-before granted it shall not be lawful for the East Gloucestershire Company or the promoters unless with the consent in writing of the Company to take up at any station of the Company upon the portion of railway herein-before specified any passengers parcels animals goods or minerals and to deliver the same at another station of that company and if the East Gloucestershire Company or the promoters violate this enactment they shall for every such violation pay to the Company fifty pounds by way of penalty.

As to services at stations.

37. The Company shall perform upon the portions of railway herein-before specified as belonging to them and at the stations between the junction of the said railway and Cirencester including the Cirencester Station all such services and duties as may be necessary or reasonable for the convenient conduct of the traffic of the East Gloucestershire Company or of the promoters upon payment of such charges for the same as may be agreed upon between the East Gloucestershire Company or the promoters and the Company and if any difference shall arise between the parties as to the amount of such payments or as to the nature extent or sufficiency of the services and duties so to be performed such

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difference shall from time to time be settled by an arbitrator to be appointed at the request of either party by the Board of Trade and the arbitrator to whom the matter may be referred may determine the amount of such payments and prescribe what duties and services shall be so performed Provided always that the right to use the said stations shall not be suspended during such arbitration and provided also that it shall be lawful for the East Gloucestershire Company or the promoters to cart goods carried or to be carried by them upon their railway into and out of the said Cirencester Station of the Company.

Byelaws to be observed.

38. The East Gloucestershire Company or the promoters in using or traversing the said portions of the Midland and South-western Junction Railway and in using the stations and conveniences thereof in accordance with the provisions herein-before mentioned shall at all times observe the regulations and byelaws for the time being in force on the undertaking so used so far as such byelaws shall be applicable to the traffic of the East Gloucestershire Company and the user by them of the said portions of the railways of the Company.

Midland and South-western Company to afford facilities for the traffic of the East Gloucestershire Company and vice versâ.

39. The Company shall from time to time afford all proper and sufficient facilities for the reception accommodation forwarding interchange and delivery of all traffic of whatever description passing or intended to pass to or from the railway of the East Gloucestershire Company or of the promoters from or to any railway of the Company and the Company shall from time to time duly receive and transmit on their own railway and deliver accordingly all such traffic and in all respects on an equality with their own proper traffic and the East Gloucestershire Company or the promoters shall upon their railways afford in like manner and to as full an extent the same facilities and advantages to the Company.

Nature and extent of traffic facilities.

40. The traffic facilities to be so afforded shall include such through booking through invoicing through waggons trucks and other arrangements and facilities as may be agreed upon or as failing agreement shall be determined by arbitration in manner provided by the Railway and Canal Traffic Acts 1873 and 1888.

Terms &c. on which facilities shall be given.

41. The terms and conditions pecuniary and otherwise on which the said traffic facilities shall be respectively afforded and the through rates for traffic shall be such as from time to time may be agreed upon or failing such agreement as shall be from time to time determined by arbitration in manner provided by the Railway and Canal Traffic Acts 1873 and 1888.

Traffic agreements with the London and South-western and other companies.

42. The Company on the one hand and the London and South-western the Great Western and the Midland Railway Companies or any of them on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into and carry into effect contracts and agreements with respect to the following purposes or any of them (that is to say) :—

The regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the undertakings of the contracting companies or either of them ;

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

Restriction on taking houses of labouring class.

43. The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the respective former Acts by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Defining labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Cancellation of article 9 of agreement of 10 June 1882 and repeal of proviso to section 4 of the Swindon Act of 1884.

44. Article 9 of an agreement made between the Swindon and Cheltenham Extension Railway Company and the Swindon Marlborough and Andover Railway Company the tenth day of June 1882 and scheduled to and confirmed by the Swindon Act of 1882 is hereby cancelled And the proviso to section 4 of the Swindon Act of 1884 is hereby repealed.

Interest not to be paid on calls paid up.

45. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest

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on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

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

Provision as to general Railway Acts.

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

Expenses of Act.

48. 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.

SCHEDULE.

Lands over which Compulsory Powers of Purchase revived and extended.

Parish.	Numbers on Plans deposited with reference to the Cheltenham Act of 1884.
Chedworth - -	110, 124, 137.
Dowdeswell - -	13, 14, 15, 16, 17, 18, 19, 20.
Whittington - -	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11.

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