CHAPTER cclxiii.

An Act for authorising the South-eastern Railway Company to make new lines and widen their existing lines in the city of London and in the counties of Middlesex, Surrey, and Kent, and for other purposes. [18th August 1882.] A.D. 1882.

WHEREAS it is expedient that the South-eastern Railway Company (in this Act called the Company) be authorised to make and maintain the railways and works and to widen and improve certain portions of their railways described in this Act;

And whereas it is expedient that the Company be authorised to raise further moneys for the purposes of this Act and of their undertaking;

And whereas it is expedient that the other provisions contained in this Act be made;

And whereas plans and sections showing the lines and levels of the railways and works by this Act authorised and the lands in or through which the same are intended to be made and plans of the lands which the Company are by this Act empowered to acquire and books of reference to those respective plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the respective clerks of the peace for the counties of Kent Middlesex and Surrey and for the city of London and are herein-after respectively referred to as the deposited plans sections 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. 1882.

Short title.

1. This Act may be cited as the South-eastern Railway (New Lines and Widenings) Act, 1882.

Incorporation of general Acts.

2. The under-mentioned enactments are except where expressly varied by this Act incorporated with and form part of this Act (namely):

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

The Lands Clauses Consolidation Acts 1845 1860 and 1869.

8 & 9 Vict. c. 20.

The Railways Clauses Consolidation Act 1845.

26 & 27 Vict. c. 92.

Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863.

8 & 9 Vict. c. 16.

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):

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 the nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices and the provisions to be made for affording access to the special Act by all parties interested;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863.

26 & 27 Vict. c. 118.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction. The expression "the Metropolitan Board" means "the Metropolitan Board of Works," 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 with this Act 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

Interpretation of term parish clerk.

4. 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.

Power to make railways and works.

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

A railway (No. 1) in the county of Surrey 2 miles 0 furlongs and 0·86 chains in length commencing in the parish of St. Saviour Southwark by a junction with the Charing Cross Railway of the Company at a point thereon 180 yards or thereabouts from the easternmost side of Gravel Lane measured along the railway towards the London Bridge Station and terminating in the parish of St. Mary Magdalen Bermondsey by a junction with the Bricklayers Arms Branch Railway of the Company at or near the western face of the bridge by which the St. James's Road is carried over the said branch railway.

A railway (No. 2) in the same county 1 furlong and 6·23 chains in length commencing in the parish of St. George the Martyr by a junction with the intended railway No. 1 before described at a point in or near the house numbered 103 in Red Cross Street and 1 furlong 9½ chains or thereabouts from the commencement of the intended railway (No. 1) and terminating in the parish of St. Saviour Southwark by a junction with the Charing Cross Railway of the Company at a point thereon 25 yards or thereabouts from the westerly side of Red Cross Street measured along the said existing railway towards the Charing Cross Station.

A railway (No. 4) in the county of Kent 1 mile 0 furlongs and 6·40 chains in length commencing in the parish of Maidstone by a junction with the Paddock Wood and Maidstone Branch of the South-eastern Railway at a point opposite

A.D. 1882.

or near to the south-east corner of the locomotive engine shed in the Maidstone Station of the Company and passing into and terminating in the parish of Boxley by a junction with the Railway No. 1 authorised by the Maidstone and Ashford Railway Act 1880 at a point 7 furlongs or thereabouts from the commencement of that railway.

43 & 44 Vict. c. clix.

Provided that in constructing the railway (No. 4) instead of crossing the public road numbered on the deposited plans 110 in the parish of Maidstone on the level as shown on the deposited sections the said road shall be carried under the railway.

The widening of the several under-mentioned portions of the Company's railway or railways extending from Charing Cross to Cannon Street and known as the Charing Cross Railway and the Charing Cross (City Terminus) Railway and of the bridges carrying such railway or railways across the River Thames (that is to say):

Widening No. 1.—So much of the Charing Cross Railway and the bridge carrying the same across the Victoria Embankment and the River Thames as lies between a point in the parish of St. Martin-in-the-Fields in the county of Middlesex on the Charing Cross Railway on the south-western side of the Charing Cross Station and directly beneath the southerly end of the roof over the Company's Charing Cross Station platforms or thereabouts and a point on the said railway in the parish of St. Mary Lambeth in the county of Surrey 39 yards or thereabouts from the western side of the Belvedere Road measured along that railway towards the Charing Cross Station.

Widening No. 2.—So much of the Charing Cross Railway in the parish of St. Mary Lambeth in the county of Surrey as lies between the point of termination of the widening No. 1 herein-before described and a point on the said railway 63 yards or thereabouts from the easternmost side of the Waterloo Road measured along the railway towards the London Bridge Station.

Widening No. 3.—So much of the Charing Cross Railway in the parishes of St. Mary Lambeth Christ Church Southwark and St. Saviour Southwark all in the county of Surrey as lies between a point three yards or thereabouts from the westernmost side of the Cornwall Road measured along that railway towards the Charing Cross Station and a point on that railway 180 yards or thereabouts from the easternmost side of Gravel Lane measured along that railway towards the London Bridge Station.

Widening No. 4.—So much of the Charing Cross Railway and of the Charing Cross (City Terminus) Railway wholly in the parish of St. Saviour Southwark in the county of Surrey as lies between a point upon the Company's railway which connects the said Charing Cross Railway with the London Chatham and Dover Railway 115 yards or thereabouts from the easternmost side of Gravel Lane measured along the said connecting railway towards the London Bridge Station and a point upon the Company's Charing Cross (City Terminus) Railway 50 yards or thereabouts from the northernmost side of Park Street measured along the last-mentioned railway towards the Cannon Street Station.

Widening No. 5.—So much of the Charing Cross (City Terminus) Railway wholly in the parish of St. Saviour Southwark in the county of Surrey as lies between a point on that railway 13 yards or thereabouts from the north abutment of the bridge by which the railway is carried over Southwark Street measured along that railway towards the Charing Cross Station and a point upon that railway 17 yards or thereabouts from the northernmost side of Stoney Street signal cabin measured along that railway towards the Cannon Street Station.

Widening No. 6.—So much of the Charing Cross (City Terminus) Railway and the bridge carrying the same across the River Thames as lies between a point in the parish of St. Saviour Southwark in the county of Surrey on the said railway 54 yards or thereabouts from the southernmost side of Clink Street measured along that railway towards the Charing Cross Station and a point in the parish of Allhallows the Great in the city of London and county of Middlesex on the westernmost siding in the Cannon Street Station 48 yards or thereabouts northward of the river end of the Cannon Street Station roof.

The widening of a railway shall for the purposes of this section include the alteration and improvement of the railway and the laying down of additional rails thereon and the widening under this section of any railway crossing the River Thames may be effected either by constructing a new bridge or by widening an existing bridge.

Provided that in executing the widening No. 1 by this Act authorised the superstructure of the bridge over the river shall not project over the river more than 48 feet from the main girder on the south-western side of the existing bridge and the projection of

A.D. 1882.

the superstructure over the embankment shall be diminished from 48 feet over the river to 45 feet at the north-western end of the third girder from the river. And provided also that if the Company and the Metropolitan Board do not agree upon the elevation of the buildings and works to be erected or constructed under this Act between the Charing Cross Station and the River Thames such elevation shall be referred to the President for the time being of the Institute of Civil Engineers or to a competent architect to be nominated by him whose decision thereon shall be binding on both parties.

As to widening over the Victoria Embankment.

6. The widening No. 1 on the Middlesex side shall be supported by an abutment and iron piers which shall be in line with the existing abutment and iron piers and the platform shall be such as to afford the same headway as the existing structure and except such abutment and iron piers no works shall be constructed or placed on any part of the lands and roadway in the parish of Saint Martin-in-the-Fields numbered on the deposited plans and described in the deposited books of reference under the numbers 2 3 4 5 and 6 in that parish without the consent of the Metropolitan Board. The materials dimensions and design of the support of the said widening on the line of the front of the Victoria Embankment shall be subject to the approval of the said Board and all works upon or affecting the Victoria Embankment shall be executed to the reasonable satisfaction of the engineer of the said Board.

Easement only over the Embankment.

7. The Company shall not purchase or take any portion of the Victoria Embankment but they may purchase and acquire and the Metropolitan Board shall grant such an easement or right as may be necessary for the construction and maintenance of the said widening on and over the same in accordance with the provisions of this Act. Provided always that in estimating the compensation to be paid to the Metropolitan Board no allowance or payment shall be made in respect of such easement or right so far as it will be an easement or right over the public roadway and footpaths of the Victoria Embankment.

Alteration of front of Victoria Embankment.

8. The Metropolitan Board may at any time during the construction or after the completion of the said widening alter and reconstruct the face of the Victoria Embankment under and on either side of the said bridge and rearrange the structure of the said embankment so far as may be proper to maintain its symmetry and architectural character on either side of the said bridge and all reasonable cost and expenses of and incidental to such alteration reconstruction and rearrangement shall be from time to time

repaid by the Company to the said Board and any difference which may from time to time arise between the Company and the said Board as to the reasonableness of any such alteration reconstruction and rearrangement or the cost thereof shall be determined by an architect appointed by the President for the time being of the Institute of British Architects at the request of either party.

For protection of intended street in Southwark. 40 & 41 Vict. c. ccxxxv.

9. Whereas Railways Nos. 1 and 2 by this Act authorised are designed to be made in part upon the site of a new street between Southwark Bridge Road and Blackman Street Borough which the Metropolitan Board are empowered to make by the Metropolitan Street Improvements Act 1877 and lands required for the purpose of such street are delineated on the deposited plans and described in the deposited books of reference and it is expedient to make provisions with reference to the said new street. Therefore

(1.) The said Railways Nos. 1 and 2 shall be constructed in such lines and at such level and generally in such manner as not to interfere with the making of the said new street in a proper and convenient manner with a width of sixty feet clear and any difference which may arise between the Metropolitan Board and the Company with reference thereto shall be referred to and determined by an engineer to be appointed by the Board of Trade at the request of either party. Where the railways shall be within view of the said new street the Company shall construct sufficient ornamental screens to the reasonable satisfaction of the Metropolitan Board.

(2.) Where it shall be necessary for the Company to acquire for the purposes of this Act any of the said lands over which the Metropolitan Board possess any powers and which they require to take under the Metropolitan Street Improvements Act 1877 the Company and the Metropolitan Board shall respectively before giving notice to treat for or taking other steps towards acquiring any such lands give notice to the other of their intention so to do and if any difference shall arise between them as to by which of them such powers shall be put in force or as to the subsequent apportionment of such lands or as to the price to be paid by one to the other or otherwise the same shall be referred to the arbitration of a single arbitrator to be appointed by the Board of Trade who shall having regard to the cost and expenses of and incidental to the purchase thereof make such orders directions and award as to him shall seem just. Provided that no such order directions or award shall be inconsistent with the provisions of this Act or the making of the railway or the said street.

A.D. 1882.

Bridges over roads in the Metropolis.

10. Unless otherwise agreed between the Company and the Metropolitan Board where any bridge or works are constructed under the powers of this Act over any street or road within the Metropolis on the Surrey side of the River Thames there shall be left a clear span throughout of not less than forty feet measured on the square and having a clear headway throughout not less than the headway shown in respect thereof upon the deposited sections. Provided that such span shall not in any case be less than the clear width of such street or road including the footways and the parapets of such bridges and works shall be carried up to a height sufficient effectually to hide trains passing over such bridges or works.

Plans, &c. of bridges to be submitted to the Metropolitan Board.

11. The Company shall not execute or commence the erection of any bridge or works over any street or road within the metropolis on the Surrey side of the River Thames until they shall have given to the Metropolitan Board 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 bridge and works and until that Board shall have signified their approval of the same unless that 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 and the Company shall comply with and conform to all reasonable directions and regulations of the said Board in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the said Board against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the said Board and the 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 and examination of plans or designs superintendence or otherwise shall be paid to the said Board by the Company on demand. Any difference which may arise between the Company and the Metropolitan Board as to the reasonableness of any such direction or regulation or any requirement of the said engineer or other officer under this section shall be determined by an arbitrator to be appointed by the Board of Trade at the request of either party.

Protecting rights of London Chatham and Dover

12. Nothing in this Act contained shall in anywise alter prejudice or affect the rights powers authorities and privileges of the London Chatham and Dover Railway Company (in this Act

referred to as the Chatham Company) in relation to or as affecting the lines authorised by and constructed under the powers of the South-eastern Railway Act 1872 for connecting the Charing Cross Railway of the Company with the London Chatham and Dover Railway or any of the provisions of the said Act in relation to the working of the said lines or the powers of the Chatham Company to use free of cost for the purposes in the said Act defined so much of the "up line" of the South-eastern Railway as they are by that Act authorised to use for shunting purposes.

Railway Company, under 35 & 36 Vict. c. cliii.

13. The widening No. 3 by this Act authorised shall be subject to the provisions and restrictions herein-after contained for the protection of the Chatham Company and such provisions and restrictions shall accordingly be binding upon the Company.

For the protection of the Chatham Company.

(1.) The Company shall not for the purpose of making the said intended widening under the London Chatham and Dover Railway acquire any ownership of or in any land or property of the Chatham Company but the Company shall acquire only an easement or right for the so making maintaining and using of the intended widening.

(2.) The Company shall not enter upon or interfere with the London Chatham and Dover Railway or any of the lands or works of the Chatham Company or execute any work whatsoever under or affecting the same until there shall have been delivered to the principal engineer for the time being of that Company by the Company plans drawings and specifications of the works intended to be executed under or affecting the London Chatham and Dover Railway and the lands and works thereof such plans drawings and specifications to describe the manner of executing the intended works and the materials to be used for the purpose nor until those plans drawings and specifications have been examined and approved in writing under his hand by the engineer of the Chatham Company or in the event of his failing to approve the same for one calendar month after the plans drawings and specifications have been delivered to him until the same have been examined and approved by an engineer to be agreed upon or in default of agreement to be appointed at the request of either Company by the Board of Trade and the said works shall be executed by the Company at their sole expense and shall in like manner be subsequently maintained by the Company in all things according to the approved plans drawings and specifications under the superintendence and to the reasonable satisfaction of the engineer of the Chatham Company.

A.D. 1882.

(3.) The Company shall bear and on demand pay to the Chatham Company the expense of the employment by them during the making of the said widening under and adjacent to the line of the London Chatham and Dover Railway of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident to arise from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise.

(4.) If by reason of any works or proceedings of the Company with reference to the said widening there shall be any obstruction of or interference with the London Chatham and Dover Railway so as to prevent or impede the convenient passage of engines and carriages along the same the Company shall pay to the Chatham Company the sum of twenty pounds by way of ascertained damages for every hour during which that obstruction or interference continues.

(5.) The Company shall from time to time be responsible for and make good to the Chatham Company all costs losses damages and expenses from time to time occasioned to that Company or to their railway or to any of the works or property thereof or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of any of the works of or incidental to the said intended widening or any act or omission of the Company or any of the persons in their employ or their contractors or others and the Company shall effectually indemnify and hold harmless the Chatham Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission.

For the protection of the Metropolitan District Railway Company.

14. With respect to the widening No. 1 by this Act authorised the following provisions for the protection of the Metropolitan District Railway Company (in this Act called the District Company) shall unless otherwise agreed on between the Company and the District Company have effect viz.:—

1. The Company shall not acquire any ownership of or in any land or property of the District Company but the Company shall purchase and acquire only an easement or right for the making maintaining and using of the intended widening.
2. The said widening shall be made with iron piers of the same diameter and the openings shall be of the same span

measured on the square as those of the existing bridge of the Company and the iron piers shall be only in the same line as the iron piers of the existing bridge of the Company and the soffit or underside of the girders and planking shall in no case be lower than the girders and planking of the existing bridge.

3. The Company shall not enter upon or interfere with the railway station works and property of the District Company (all which are herein-after included under the term the District Railway) nor execute any work whatsoever over or affecting the same or within 50 feet on either side thereof until there shall have been delivered to the principal engineer for the time being of that company by the Company plans drawings and specifications of the works intended to be so executed over or affecting the District Railway or within such distance as aforesaid and such plans drawings and specifications shall describe the manner of executing the intended works and the materials to be used for the purpose together with full plans and descriptions of any temporary works or erections necessary for executing the said works nor until those plans drawings specifications and descriptions have been examined and approved in writing under his hand by the engineer of the District Company or in the event of his failing to approve the same for twenty-one days after delivery thereof to him until the same have been examined and approved by an arbitrator to be agreed upon or in default of agreement to be appointed at the request of either Company by the Board of Trade and the said works shall be executed and at all times maintained by the Company at their sole expense in all things according to the approved plans drawings and specifications and descriptions and to the reasonable satisfaction of the engineer of the District Company who shall have access to the works of the Company at all reasonable times. Provided that the Company shall not be relieved from any responsibility touching the execution or maintenance of any works by this Act authorised by reason of the submission of any plans specifications or descriptions to the engineer of the District Company or by the approval of any plans specifications or descriptions by him or by any such arbitrator.

4. The reasonable costs charges and expenses of the engineer of the District Company arising out of the provisions of this section shall be defrayed by the Company.

A.D. 1882.

5. The Company shall bear and on demand pay to the District Company the expense of the employment by them during the making of the said widening over and adjacent to the District Railway of a sufficient number of inspectors and watchmen to be appointed by them for watching their railway with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger or accident to arise from any act or default of the Company or any contractor employed by them or any person in the employ of them or him.

6. In carrying into execution any works or any of the powers of this Act the Company shall not cause any obstruction of or interference with the District Railway so as to prevent or impede the convenient passage of engines and carriages along the same. The Company shall from time to time be responsible for and make good to the District Company all costs losses damages and expenses from time to time occasioned to that company or to the District Railway or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of any of the works of or incidental to the said intended widening or any act or omission of the Company or of any contractor or any person in the employ of them or him and the Company shall effectually indemnify and hold harmless the District Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission.

7. Nothing in this Act contained shall prejudice take away lessen or interfere with any of the property rights powers interests and privileges of the District Company otherwise than is herein expressly provided.

For the protection of the School Board for London.

15. The Company shall if required by the School Board for London acquire the whole of the land in the parishes of Saint George the Martyr Southwark and Saint Mary Newington described and coloured green and purple on the plan signed by the Right Honourable the Earl Cowper the chairman of the committee of the House of Lords to whom the Bill for this Act was referred and in estimating the purchase money or compensation to be paid by the Company to the School Board for London in respect of the said lands the arbitrator or jury as the case may be shall assess and award the costs and expenses which the School Board may prove to have been necessarily and properly incurred in acquiring another site equally suitable.

The Company to pay the School Board's costs of applying for power to take Barlow Street site.

16. The Company shall on request pay to the said School Board the costs and expenses reasonably and properly incurred by them, in and about their application to the Education Department of the Privy Council for a Provisional Order for acquiring lands for a school site in Barlow Street in the parish of St. Mary Newington in the county of Surrey up to the date on which the Bill was brought in for confirming such Provisional Order such costs to be taxed if the parties differ about the same.

Power to stop up North Kent Terrace.

17. The Company may if they are or if and when they become the owners of the adjoining land on both sides of North Kent Terrace in the parish of Deptford in the county of Kent stop up and discontinue the use for public traffic of the said North Kent Terrace and thereupon the site and soil thereof shall be vested in the Company freed from all public and private rights and they may appropriate the same for the purposes of their undertaking.

Lands for extraordinary purposes.

18. 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 three acres.

Period for compulsory purchase of lands.

19. 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.

Notice to be given of taking houses of labouring classes.

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

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

21. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere within half a mile of Mint Street in the borough of Southwark for such person. 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 providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands

A.D. 1882.

by agreement and may on such lands erect labouring-class dwellings and may let or otherwise dispose of such lands.

Power to take easements by agreement.

22. 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.

Power to underpin or strengthen buildings near railway.

23. The Company may at their own expense underpin or otherwise strengthen any house or building within one hundred feet from any of the railways or works authorised by this Act but the exercise of the powers conferred by this section shall be subject to the following provisions namely—

(1.) Except in case of emergency the Company shall before underpinning or otherwise strengthening any such house or building give ten days' notice to the owner lessee and occupier thereof by leaving such notice on the premises.

(2.) If within seven days after the notice is so given the owner lessee or occupier gives to the Company counter-notice in writing that he disputes the necessity of the 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 President of the Board of Trade for the time being.

(3.) The referee shall forthwith on the application of either party proceed to inspect the house or building and determine the matter referred to him and in the event of his deciding that the underpinning or strengthening is necessary he may in his discretion prescribe the mode in which the same shall be executed and the Company shall proceed forthwith to execute the same accordingly.

(4.) The costs of the referee shall be paid by the Company and the costs of the reference (other than the cost of the referee) shall be in the discretion of the referee.

(5.) 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 him by reason of the exercise of the powers given by this section.

For protection of sewers in the

24. Where any work to be executed under this Act passes over under or by the side of or so as to interfere with any sewer drain

or watercourse defence or work under the jurisdiction or control of the Commissioners of Sewers of the City of London (in this Act referred to as the Commissioners) or any sewers or works to be made or executed by the Commissioners or in any way affects the sewage or drainage of the district under their control the following provisions shall have effect—

(1.) The Company shall twenty-eight days before commencing the work give to the engineer or surveyor of the Commissioners at his office or at the principal office of the Commissioners notice in writing of their intention to execute this work with a plan and section showing the course and inclination of the work and other necessary particulars relating thereto.

(2.) The Company shall not commence the work until the Commissioners shall have signified their approval thereof unless the Commissioners do not signify their approval disapproval or other directions within twenty-eight days after service of the said notice plan section and particulars.

(3.) The Company shall comply with and conform to all directions and regulations of the Commissioners in the execution of the work and shall provide by new altered or substituted works in such manner as the Commissioners may deem necessary for the proper protection of and for preventing injury or impediment to the sewers and works under their jurisdiction or control by or by reason of the intended work or any part thereof and shall save harmless the Commissioners against all expense to be occasioned thereby.

(4.) The work may be done by or under the direction superintendence and control of the engineer or other officer or officers of the Commissioners and at the expense of the Company.

(5.) All reasonable costs charges and expenses which the Commissioners may be put to by reason of the work whether in the execution thereof or the preparation or examination of plans or designs superintendence or otherwise shall be paid to the Commissioners by the Company on demand.

(6.) If any dispute arises between the Company and the Commissioners as to the amount of such costs charges and expenses the same shall be settled by a justice of the peace of the city of London and be a debt due from the Company to the Commissioners.

(7.) When any new altered or substituted work or any work or defence connected therewith is completed by or at the expense of the Company under this Act it shall thereafter be as fully

A.D. 1882.

and completely under the direction jurisdiction and control of the Commissioners as any sewer or work now is or hereafter may be.

(8.) Nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers and authorities vested or to be vested in the Commissioners or their successors but all such powers rights and authorities shall be as valid and effectual as if this Act had not been passed.

For protection of streets in the city of London.

25. The Company shall not break up or disturb any street or place or the pavement thereof under the control or direction of the Commissioners of Sewers of the City of London except in accordance with the following provisions namely:

(1.) The Company shall twenty-one days before so doing give to the engineer or surveyor of the Commissioners at his office or at the principal office of the Commissioners notice in writing of their intention so to do specifying the street place or pavement intended to be broken or disturbed.

(2.) The Company shall attend to the directions of the engineer or surveyor with a view to secure a free passage in the street or place and to prevent needless injury thereto.

(3.) The Company shall not open more of any such streets or places at one time than the engineer or surveyor shall in writing authorise.

(4.) When the Company break up or disturb any such street place or pavement they shall as soon as the works affecting it are completed and at the latest within three months from the day on which the works were begun restore the street or pavement under the superintendence and to the satisfaction of the engineer or surveyor of the Commissioners to as good a condition as it was in when it was broken up or disturbed.

(5.) The Company shall save harmless and keep indemnified the Commissioners and their successors against any expenses consequent on any such work.

(6.) If the Company fail to comply with the requirements of this section they shall forfeit to the Commissioners a sum of twenty pounds for every offence and an additional sum of twenty pounds for every day during which the Company fail to comply with the directions of the Commissioners' engineer or surveyor and the Commissioners may if they think fit restore the street place or pavement broken up or disturbed and recover by action the expense of the restoration and also the sums so forfeited by the Company.

For protection of sewers in the Metropolis. 18 & 19 Vict. c. 120.

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

A.D. 1882.

charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Metropolitan Board district board or vestry as the case may be respectively as any sewers or works now are or hereafter may be And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said respective boards or vestries or any or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Exhibiting placards.

27. The Company shall not exhibit or permit to be exhibited upon any part of the works authorised by this Act within view of any public street within the metropolis any placards or advertisements except such as shall have been approved in writing by the clerk to the district board or vestry of the district or parish in which such placard or advertisement is affixed or exhibited and by the clerk or other officer of the Metropolitan Board but this provision shall not prevent the Company from exhibiting on the exterior of any station within the county of Surrey placards giving information to the public as to the traffic of the Company. And if any placard or advertisement shall be affixed or exhibited in contravention of this provision such district board or vestry or the Metropolitan Board may remove it by their respective servants or workmen.

For the protection of district board and vestries in the Metropolis.

28. The following provisions shall apply to the railways and widenings by this Act authorised so far as the same shall severally be executed within the parishes of St. Mary Lambeth St. George the Martyr Southwark St. Mary Newington and Bermondsey and the district of the District Board of St. Saviour's Southwark all in the county of Surrey.

(1.) In the case of Upper Grange Road and Earl Road the bridges over those roads shall each have a clear headway of eighteen feet.

(2.) Every widening of an existing bridge over any road or street and every new bridge over any road or street shall be water-tight or as nearly so as practicable and shall be so constructed as to deaden so far as is practicable the sound of engines carriages and traffic passing over them.

(3.) The Company shall not commence the construction of any of the before-mentioned widenings or new bridges nor shall they break up or disturb any road or street or place under the control or direction of the Vestry of St. Mary Lambeth the Board of Works for St. Saviour's District the Vestry of St. George

the Martyr Southwark the Vestry of St. Mary Newington or the Vestry of the parish of Bermondsey as the case may be until they shall have given twenty-one days' notice in writing of their intention to commence the same specifying the nature of the work to be done and the street intended to be broken up and disturbed to the surveyor of the said district board or of the vestry as the case may be and left for him at his office plans elevations sections and other necessary particulars of the construction of such widenings and new bridges.

(4.) In all cases where the viaduct carrying the railway is constructed abutting upon any public roadway or where in pursuance of section 10 of this Act a bridge carrying the railway over a street of less width than 40 feet shall be constructed with a span of 40 feet or more the Company shall enclose the ends of the railway arches forming such viaduct and the recesses formed between the abutments of the bridge and the building line or the line of forecourt as the case may be except where the same shall be utilised by the Company with either brick or woodwork to prevent the public passing through or under such arches or into such recesses.

(5.) The Company shall repay to the district board or vestry as the case may be the cost of any extra lamps including the expense of lighting and maintaining the same which may in the opinion of the district board or vestry as the case may be be necessary for lighting any road or street crossed by such widenings and bridges respectively after the completion thereof and the Company shall save harmless the said district and the parishes respectively in which such road or street is situate against all and every expense to be occasioned thereby and such work shall be done to the reasonable satisfaction of the surveyor of the said district board or of the vestry as the case may be at the cost charges and expenses in all respects of the Company.

(6.) If any dispute or difference of opinion shall arise between the Company and the said district board or vestries or any of them touching the reasonableness of any of the requirements of any surveyor acting for the district board or for any of the vestries such dispute or difference of opinion shall be referred to the arbitration of an engineer to be appointed by the Board of Trade in manner provided by the Railway Companies Arbitration Act 1859. 22 & 23 Vict. c. 59.

(7.) Except as expressly enacted in this Act nothing in this Act contained shall extend or be deemed or construed to extend to prejudice diminish alter or take away any of the rights

A.D. 1882.

powers authorities or privileges vested in the said district board and the said vestries respectively but all such rights powers authorities and privileges vested in them respectively shall be as good valid and effectual as if this Act had not been passed anything herein contained to the contrary notwithstanding.

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

29. The bridges or the widening of the existing bridges by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall if constructed be executed according to a plan and elevation to be previously approved in writing by the Conservators of the River Thames (in this Act referred to as the Conservators) and deposited at their office and the works in the river shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the Conservators and the traffic of the river shall not be interfered with more than may be absolutely necessary in the construction of the bridges or of the widening of the existing bridges and the works connected therewith and the Company shall within fourteen days 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 may 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 interfere with the bed of the river.

30. Nothing in this Act shall authorise the Company to embank or encroach on or interfere with any part of the soil or bed of the River Thames or the shore thereof except according to the plan to be approved by the Conservators.

Level of foundations.

31. The foundations of the piers and abutments of the bridges or the widenings of the bridges over the River Thames shall be constructed and maintained at such a level as to allow the bed of the river around and near those piers and abutments to be dredged to a depth of thirty-five feet at the least below the level of Trinity high water.

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

32. The Company shall not except as far as may be necessary in the construction or the widenings of the bridges and the works connected therewith take any gravel soil or other material from the bed of the River Thames without the previous consent of the Conservators signified in writing signed by their secretary.

Lights to be exhibited upon the bridges or

33. The Company shall hang out and exhibit at or near to the bridges or widenings by this Act authorised 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 direct and in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds and further the Company shall exhibit under a like penalty lights to be similarly approved by the Conservators upon any temporary works or materials which may be placed on the river by the Company during the making of the said bridges or widenings or works connected therewith.

widening and upon temporary works during construction.

34. The Company shall not make or commence any work on the shore or bed of the River Thames 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.

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

35. Notwithstanding anything in this Act contained the junction of the Railway No. 4 hereby authorised with the Maidstone and Ashford Railway shall be effected and the said railway shall be constructed subject to and in accordance with the following provisions and not otherwise (that is to say) :—

Provisions as to junction with Maidstone and Ashford Railway.

(1.) The junction shall be effected in all respects in such manner as shall previously have been approved by the engineer for the time being of the Maidstone and Ashford Railway Company or in case of difference by an engineer to be appointed by the Board of Trade and the junction and the works connected therewith shall be executed by that Company and the costs thereof and all reasonable costs of every kind to which the Maidstone and Ashford Railway Company shall be put by reason of the construction of the said railway and junction and incidental thereto shall upon demand be repaid to them by the Company and in default thereof may be recovered in any court of competent jurisdiction.

(2.) The Company shall not except by agreement or with the consent in writing of the Maidstone and Ashford Railway Company under the hand of their secretary for the time being use enter upon or interfere with or acquire any right title or interest to or in any lands belonging to the Maidstone and Ashford Railway Company except such as may be required or shall be necessary for the purpose of effecting the said junction and the works connected therewith nor shall the Company with respect to such lands of the Maidstone and Ashford Railway Company as may be so required take the same but the Com-

A.D. 1882.

pany may purchase and take and the Maidstone and Ashford Railway Company may and shall sell and grant an easement or right of using the same in perpetuity for the purposes of the said railway junction and works.

(3.) The Maidstone and Ashford Railway Company may from time to time erect such signals and conveniences incident to the said junction either on their own lands or on the lands of the Company and may from time to time appoint and remove such watchmen switchmen or other persons as may in their judgment be necessary for the prevention of danger to or interference with the traffic at or near the junction and the working and management of such signals and conveniences wherever situate shall be under the exclusive regulation and control of the Maidstone and Ashford Railway Company and all the reasonable expenses of erecting and maintaining such signals and conveniences and of employing such watchmen switchmen and other persons and all reasonable incidental current expenses shall at the end of every half year be repaid by the Company and in default thereof may be recovered from them in any court of competent jurisdiction.

(4.) The Company shall bear and on demand pay to the Maidstone and Ashford Railway Company the expense of the employment by them during the making of the said junction and the works immediately connected therewith of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger or accident to arise from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise.

(5.) If by reason of any works or proceedings of the Company with reference to the construction of the said junction there shall be any obstruction of or interference with the Maidstone and Ashford Railway so as to prevent or impede the convenient passage of engines and carriages along the same the Company shall pay to the Maidstone and Ashford Railway Company the sum of ten pounds by way of ascertained damages for every hour during which such obstruction or interference continues.

(6.) The Company shall from time to time be responsible for and make good to the Maidstone and Ashford Railway Company all costs losses damages and expenses from time to time occasioned to the Maidstone and Ashford Railway Company or any of their works or property or to the traffic on their

railway or to any company or person using the same or otherwise by reason of the execution or failure of any of the works of or incidental to the said junction or by reason of any act or omission of the Company or any of the persons in their employ or their contractors or others and the Company shall effectually indemnify and hold harmless the Maidstone and Ashford Railway Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission as aforesaid.

For the protection of the Earl of Romney and his trustees.

36. If the Company enter upon take or interfere with any of the lands of the Right Honourable the Earl of Romney the Earl of Courtown Sir William Hart-Dyke Baronet M.P. and Sir Edward Scott Baronet (herein-after referred to as the owners) they shall at the same time if required by the owners purchase their interest in all or any of the lands delineated on the plan signed by the Honourable Percy Wyndham the chairman of the committee of the House of Commons to whom the Bill for the Company's Various Powers Act 1882 was referred and thereon coloured dark pink light pink and orange. And the compensation to be paid shall be settled by arbitration as if the whole of such lands or interest which are taken or purchased had been taken compulsorily by the Company but the owners shall not be entitled to the usual allowance for forced sale in respect of any lands not included within the limits of deviation shown on the plans deposited with respect either to the Bill for this Act or the Bill for the Company's Various Powers Act 1882.

45 & 46 Vict. c. ccxix.

And if the Company exercise the powers in this Act contained with regard to acquiring any lands of the owners other than the lands aforesaid it shall be referred to Mr. George Pownall or him failing to some other person to be appointed in manner provided by the Lands Clauses Consolidation Act 1845 to decide whether any other and what lands of the owners shall be acquired by the Company and such arbitrator shall also decide having reference to all the circumstances of the case upon what terms and conditions such lands shall be acquired and what accommodation and other works the Company shall construct for the benefit of the estate of the owners.

Provided always that in any conveyance to the Company of the said lands or any of them there shall be inserted such covenants on the part of the purchasers as the said George Pownall or other the arbitrators or arbitrator or umpire who shall determine the amount of compensation to be paid for the purchase of such lands respectively shall deem reasonable having regard to the covenants or stipulations contained in conveyances by the owners of any lands in the vicinity.

A.D. 1882.

If a station shall be constructed on Railway No. 4 to the north of the River Len the Company shall at the same time make and shall for ever thereafter maintain a road 15 feet wide from such station to the estate of the owners such road to be carried over the River Len on a bridge to be constructed by the Company between the railway and the point where the boundary of the said estate joins the river south of the railway and shall permit the same to be used by the owners.

Notwithstanding anything in this Act contained the powers of the Company for the compulsory purchase of lands of the owners shall not be exercised after the expiration of two years from the passing of this Act.

As to lands of J. A. Rolls and J. R. West.

37. If the Company under the powers of this Act take any of the lands houses or other property belonging to John Allan Rolls and James Roberts West respectively the Company shall in addition to the value of such lands houses and buildings to be ascertained under the provisions of the Lands Clauses Consolidation Act 1845 pay to the said John Allan Rolls and James Roberts West respectively together with the damages by severance or otherwise twenty-five per cent. on the value of such lands houses and other property only as compensation for compulsory sale.

Period for completion of railways.

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

Penalty imposed unless the railways are opened within the time limited.

39. If the Company fail to complete any or either of the said railways authorised by this Act within the period limited by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the uncompleted railways or railway are or is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works of the railways or railway in respect of which the penalty has been incurred. The said penalty may be applied for by any landowner or other person claiming to be compensated in reference to the railways or railway in respect of which the penalty has been incurred in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854. Every sum

7 & 18 Vict. 31.

of money recovered by way of such penalty shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice in England in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided No penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted railways or railway by unforeseen accident or circumstances beyond their control but the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

40. Every sum of money so recovered by way of penalty shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or railway or any portion of the railway in respect of which the penalty has been incurred or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railways or railway and have received no compensation or inadequate compensation for the injury or loss 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 may seem fit If no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to the Crown and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division on the application of the Solicitor of Her Majesty's Treasury thinks fit to order and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Chancery Division 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.

A.D. 1882.

Railways to form part of the railways of the Company.

41. The railways and works authorised by this Act shall for all purposes including the levying of tolls fares rates and charges be deemed to be part of the railways of the Company and with respect to tolls rates and charges and for all other purposes whatever the widenings alterations and improvements of railways and the works connected therewith shall be respectively part of the railway widened altered and improved.

Power to raise additional capital.

42. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 and of this Act from time to time raise any additional capital not exceeding in the whole one million two hundred and thirty-five thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively 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 of the amount of such share has been paid in respect thereof.

Limit of amount and number of calls.

43. The amount of any one call to be made on any share created under this Act shall not exceed one fourth of the amount of the share and there shall be an interval of two months at least between every two successive calls and not more than three fourths of the amount of each share shall be called up in any one year.

New shares or stock to be subject to same incidents as existing shares or stock.

44. 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.

Receipt clause in case of persons not sui juris.

45. 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.

Power to borrow on mortgage.

46. The Company may in respect of the additional capital of one million two hundred and thirty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole four hundred thousand pounds but no part thereof shall be borrowed until the shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half thereof is

paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted 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 if the said capital is raised by shares that such persons or corporations 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.

Existing mortgages to have priority.

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

Debenture stock.

48. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of money.

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

A.D. 1882.

Power to apply corporate funds to purposes of Act.

50. The Company may raise and apply to the purposes of this Act any money which they have raised or which they have power to raise by virtue of any other Act relating to the Company and which may not be required for the purpose to which it is by that Act made specially applicable.

Classification table to be open for inspection. Copies to be sold.

51. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be opened to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges if any to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

36 & 37 Vict. c. 48.

Power to make agreements with Metropolitan Board of Works.

52. The Company on the one hand and the Metropolitan Board of Works on the other hand may from time to time make and give effect to agreements with respect to the execution or construction of the railways and works and the widenings of existing railways by this Act authorised or to the sale demise or exchange of any land which the Company may be empowered to take or may require for the purposes of this Act and which the Metropolitan Board of Works may own and which may not be required for the purpose for which the same was acquired.

General saving for rights of

53. Nothing in this Act shall extend or be construed to extend to prejudice or derogate from the estates rights interests liberties

privileges or franchises of the Conservators or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of passing this Act the said Conservators did or might lawfully claim use or exercise.

Conservators of Thames.

54. Nothing contained in this Act or in any Act or Acts incorporated herewith shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty Her heirs or successors in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said Duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty Her heirs or successors in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Saving the rights of the Duchy of Cornwall.

26 & 27 Vict. c. 49.

55. 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 in conformity with the Companies Clauses Consolidation Act 1845.

Interest on calls not to be paid out of capital.

56. 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.

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

57. Nothing in this Act shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or

Provision as to General Railway Acts.

A.D. 1882.

alteration under the authority of Parliament of the authorised maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

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

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.