CHAPTER cxliv.

An Act for conferring further powers upon the London and South Western Railway Company and to make further provision with respect to their Undertaking and other Undertakings in which they are interested and for enabling the Company and the Midland Railway Company to acquire additional Lands in connexion with the Somerset and Dorset Railway and for other purposes. A.D. 1895.

[6th July 1895.]

WHEREAS it is expedient that the London and South Western Railway Company (in this Act called "the Company") be authorised to construct the new railways and widenings of railway herein-after described and that the further powers herein-after contained be conferred upon them and that the other provisions contained in this Act be made in reference to the undertaking of the Company:

And whereas the Company have already by footbridges or subways provided for the foot traffic over the level crossings (other than that over the North Devon line) which they are by this Act authorised to stop up and close for foot traffic:

And whereas by the Bodmin and Wadebridge Railway Act 1832 (in this Act called "the Act of 1832") the Bodmin and Wadebridge Railway Company (in this Act called "the Bodmin Company") were incorporated and were authorised to make and maintain a railway from Wadebridge to Wenford Bridge with a collateral branch to Bodmin and certain other branches all in the county of Cornwall and by the Bodmin and Wadebridge Railway Act 1835 (in this Act called "the Act of 1835") the Act of 1832 was amended in certain respects and a partial deviation and extension of one of the said branches was sanctioned and by the Bodmin and Wadebridge Railway Act 1865 (in this Act called "the Act of 1865") the Bodmin Company were authorised to make and maintain certain deviation railways and a junction curve or railway and by the same

A.D. 1895.

Act certain sections of the Acts of 1832 and 1835 relating to tolls rates and charges were repealed:

And whereas by the North Cornwall Railway Act 1882 (in this Act called "the Act of 1882") the North Cornwall Railway Company thereby incorporated were authorised (amongst other things) to make certain deviations of the railways of the Bodmin Company and by the South Western Railway (Various Powers) Act 1883 provision was made for the construction by the Company (on giving notice to the North Cornwall Railway Company) of the said deviations and for the transfer of the powers conferred on the North Cornwall Railway Company by the said Act of 1882 in reference to such deviations and by the South Western Railway Act 1886 an agreement entered into by the Company and the Bodmin Company for the transfer of the Bodmin Company's undertaking to the Company was confirmed and such transfer has been carried into effect:

And whereas the railways authorised by the Act of 1832 as amended by the Act of 1835 and subsequent Acts (herein-after referred to collectively as "the Bodmin Railway") are being reconstructed by the Company and will shortly be ready for opening as passenger lines:

And whereas the Acts of 1865 and 1882 incorporated with themselves the provisions of the Railways Clauses Consolidation Act 1845 and of the Railways Clauses Act 1863 (which Acts and any Act or Acts amending the same are in this Act referred to as "the general Railway Acts") but the Acts of 1832 and 1835 contain provisions inconsistent with those of the general Railway Acts and it is expedient that the provisions of the last-mentioned Acts be made applicable in the case of the whole of the Bodmin Railway and that the provisions of the Acts of 1832 and 1835 inconsistent therewith be repealed:

And whereas an agreement a copy whereof is set forth in the schedule to this Act has been entered into between the Budleigh Salterton Railway Company and the Company for the working by the Company of the railway authorised by the Budleigh Salterton Railway Act 1894 and it is expedient that that agreement be confirmed:

And whereas by the Southampton Docks Act 1892 (in this Act referred to as "the Docks Act 1892") the Company were authorised to purchase the undertaking of the Southampton Dock Company and by section 16 of that Act as amended by section 56 of the South Western Railway Act 1893 the Company were empowered to create and issue three per centum debenture stock of the Company to a

nominal amount not exceeding 1,360,000*l.* and the Company have created three per centum debenture stock to such nominal amount and have completed the said purchase and taken over the terminable mortgage debentures of the Dock Company amounting to 201,960*l.* and cancelled the sum of 30,000*l.* advanced by the Company to the Dock Company :

And whereas as holders of 250,000*l.* of consolidated preference stock of the Dock Company the Company were entitled to receive out of the purchase moneys the sum of 187,500*l.* part of such debenture stock :

And whereas by section 28 of the Docks Act 1892 all the powers of the Dock Company were except as therein excepted transferred to and vested in the Company the Dock Company then having unexercised powers of raising by stock or shares 299,735*l.* and by borrowing 86,563*l.* :

And whereas the Company have expended and are expending large sums of money for the enlargement and improvement of the Southampton docks and in connexion therewith and it is expedient that their powers of raising money for that purpose be amended and defined :

And whereas it is expedient that such further money powers as are in this Act contained be conferred upon the Company :

And whereas it is expedient that the Company and the Midland Railway Company (in this Act called "the Midland Company") be empowered in connexion with the Somerset and Dorset Railway vested in them jointly by way of lease for the residue of a term of 999 years to acquire compulsorily certain lands herein-after described :

And whereas plans and sections of the works authorised by this Act the plans showing also the lands required for the purposes of the said works and plans of the other or additional lands which may be compulsorily taken under the powers of this Act (the plans showing also the lands already acquired by the Company and which by this Act they are enabled to hold) and books of reference to such plans respectively containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands respectively were duly deposited with the respective clerks of the peace for the counties of Cornwall Devon Southampton London Middlesex Surrey Wilts Dorset Berks and Somerset and the town and county of the town of Southampton and the county of the city of Exeter and are herein-after respectively referred to as the deposited plans sections and books of reference :

A.D. 1895.

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 (that is to say):—

Short title.

1. This Act may be cited as the South Western Railway Act 1895.

Incorporation of general Acts.

2. The provisions of the Companies Clauses Consolidation Act 1845—

With respect to the distribution of the capital of the Company into shares;

With respect to the transfer or transmission of shares;

With respect to the payment of subscriptions and the means of enforcing the payment of calls;

With respect to the forfeiture of shares for nonpayment of calls;

With respect to the remedies of creditors of the Company against the shareholders;

With respect to the borrowing of money upon mortgage or bond;

With respect to the conversion of the borrowed money into capital;

With respect to the consolidation of the shares into stock;

With respect to the giving of notices; and

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

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

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the metropolis" means the metropolis as defined by the Metropolis Management Act 1855 and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act in whole or in part incorporated with this Act shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Interpretation of "parish clerks."

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 places within the metropolis as defined by the Metropolis Management Act 1855 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 place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively and as regards those parishes in which there are no parish clerks mean the parish clerk of some adjoining parish.

Power to make works.

5. Subject to the provisions of this Act the Company may make and maintain the works described or mentioned in this section in the lines and in accordance with the levels shown on the deposited plans and sections relating thereto or some or one of those works or some part or parts thereof respectively together with all proper and sufficient bridges viaducts rails sidings junctions turntables stations banks sluices drains culverts dams groynes walls approaches roads buildings yards and other works and conveniences connected therewith and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as may be required for those purposes The works herein-before referred to and authorised by this section are—

(1) Holsworthy and Bude Railway—

A Railway (No. 1) 10 miles 2 furlongs and 9·86 chains or thereabouts in length commencing in the parish of Stratton in the county of Cornwall at a point about 8 chains north-westward from the junction of the road from Bude to Stratton with the road from Bude to Marhamchurch and Boscastle and terminating in the parish of Holsworthy in the county of Devon by a junction with the Holsworthy branch of the Company's railway;

A Railway (No. 2) 3 furlongs and 9·30 chains or thereabouts in length wholly in the parish of Stratton in the county of Cornwall commencing at a point about $1\frac{1}{2}$ chains measured north-eastward from the centre of the bridge carrying the public highway over the Bude Canal near the Falcon Hotel at Bude and terminating by a junction with the Railway (No. 1) by this Act authorised:

(2) Widenings of main line—

A Widening (No. 1) of the Company's main line on its northern side commencing in the parish of Wootton Saint Lawrence and terminating in the parish of Worting;

A.D. 1895.

A Widening (No. 2) of the Company's main line on its southern side commencing in the parish of Wootton Saint Lawrence and terminating in the parish of Worting;

A Widening (No. 3) of the Company's main line on its northern side commencing in the parish of Worting at or near the termination of the Widening (No. 1) above described and terminating in the parish of Basingstoke;

A Widening (No. 4) of the Company's main line on its southern side commencing in the parish of Basingstoke and terminating in the parish of Basing:

All the widenings above described will be in the county of Southampton.

Height &c. of widened bridges.

6. In executing and maintaining the widenings of the Company's main line by this Act authorised the Company shall (except as otherwise provided) construct the bridges and arches for effecting such widenings of the same height width and span as the existing bridges and arches.

Power to cross certain roads on the level.

7. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railways authorised by this Act carry the same with a single line only across and on the level of the public road numbered on the deposited plans for Railway No. 2 by this Act authorised 28 in the parish of Stratton Provided that it shall not be lawful for the Company or any other company or person using the said Railway No. 2 to cross the said road on the level with locomotive engines.

Inclination of roads.

8. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations herein after mentioned in connexion therewith respectively (that is to say):—

Railway.	No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
Railway No. 1	64	Marhamchurch	Public -	1 in 17 on one side. 1 in 20 on other side.
	95	Marhamchurch	Public -	1 in 12 on one side. 1 in 20 on other side.
	137	Pyworthy	Public -	1 in 10·9 on one side. 1 in 20 on other side.

A.D. 1895.

Height and span of bridges.

9. The Company may make the arches of the bridges for carrying the railways or widenings authorised by this Act over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

Work.	No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
Railway No. 1	64	Stratton -	Public -	14 feet -	12 feet
	21	Marhamchurch	Public -	15 feet -	15 feet
	34	Bridgerule East	Public -	15 feet -	15 feet
	81	Pyworthy -	Public -	15 feet -	15 feet
	6	Holsworthy -	Public -	15 feet -	15 feet
Widening No. 3	7	Worting -	Public -	15 feet -	20 feet
	2	Basingstoke -	Public -	15 feet -	15 feet
Widening No. 4	21	Basingstoke -	Public -	16 feet -	27 feet 9 inches
	31	Basingstoke -	Public -	12 feet 6 inches	20 feet

Widths of certain roadways.

10. The Company may make the roadway over the bridges by which the following roads will be carried over the railways or widenings authorised by this Act of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

Work.	No. on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
Railway No. 1	64	Marhamchurch - -	Public -	20 feet
	95	Marhamchurch -	Public -	20 feet
	16	Bridgerule West -	Public -	20 feet
	21	Bridgerule East -	Public -	20 feet
	8	Pyworthy - -		
	137	Pyworthy - -	Public -	12 feet
Widening of Main Line No. 4	33	Basingstoke - -	Public -	25 feet

Power to divert roads as shown on deposited plans.

11. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so

A.D. 1895.

much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

Work.	Parish.	No. of Road on deposited Plans.
Railway No. 1 - -	Marhamchurch - - -	21
Railway No. 1 - -	Marhamchurch - - -	118
Widening No. 1 -	Wootton Saint Lawrence - -	4
Widening No. 4 - -	Basingstoke - - - -	33

And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease.

Period for completion of works.

12. If the railways herein-before described and 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 same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

For the protection of John May and Company Limited.

13. Nothing in this Act contained shall empower the Company to enter upon take or use any property of John May and Company Limited situate in the said parish of Basingstoke south of the red line drawn on a plan signed in duplicate on their behalf by John May and by Sam Bircham on behalf of the Company except with the previous consent in writing of the said John May and Company or other the owner or owners for the time being of the said property.

For protection of Southampton County Council.

14. The following provisions shall have effect for the benefit and protection of the Southampton County Council (that is to say) :—

(1) In constructing the Widening No. 3 by this Act authorised the Company shall not extend the present wing and abutment walls of the bridge carrying their existing railway over the highway numbered on the deposited plans 7 in the parish of Worting but shall carry that widening over that highway by the addition to such bridge either on one side of the said existing railway or on each side thereof of girders to be supported by the present walls raised and strengthened Provided that nothing in this section shall prevent any extension by the Company of the said wing walls but so as not to project beyond their present faces respectively ;

(2) In diverting the highway numbered 33 in the parish of Basingstoke on the deposited plans of Widening No. 4 the Company shall construct the new approach road to the bridge carrying the same over the railway of a width not less than 30 feet:

(3) The Company shall before commencing any of the works referred to in subsections 1 and 2 of this section or the works for carrying the Widening No. 4 by this Act authorised over the highway in the parish of Basingstoke numbered 21 on the deposited plans of that widening submit the working drawings thereof to the county surveyor of Hampshire.

Tolls &c.

15. For the purpose of demanding and recovering tolls rates and charges and for all other purposes the railways and the widenings of the Company's main line by this Act authorised shall respectively be deemed part of the Company's main line of railway.

Penalty imposed unless railways opened within the time limited.

16. If the Company fail within the period limited by this Act to complete either of the railways by this Act authorised 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 respective railway is completed and opened for the public conveyance of passengers as regards Railway No. 1 and for goods traffic as regards Railway No. 2 or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the respective railway not completed and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the respective railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalties.

17. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London

A.D. 1895.

Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the respective railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Stopping up of footpaths.

18. The Company may stop up and discontinue for public or other traffic so much as lies between the fences of the Company's railways of the footpaths now respectively carried over such railways on the level at the following places (that is to say):—

(A) Over the Ascot and Aldershot Railway at Bagshot Station in the parish of Windlesham in the county of Surrey;

(B) Over the North Devon line in the parish of Bideford in the county of Devon at the north end of the Bideford Station when but not before the Company have provided a substituted way;

(C) Over the main line at Byfleet Station in the parish of Byfleet in the county of Surrey;

(D) Over the Chertsey Extension Railway in the parish of Chertsey in the county of Surrey about 31 chains south-east of the public road level crossing at Chertsey Station and known as Tranters Crossing:

And all rights of way and other rights (if any) over or affecting any such portion of footpath or over the railway of the Company at the point or points at which it is now crossed by any such portion of footpath are by this Act extinguished as from the time of each such stopping up and discontinuance respectively.

Discontinuance of level crossings for foot traffic at certain times.

19. The Company may from time to time close for foot traffic the level crossings by public roads over the Staines and Wokingham Railway at Egham Station and Thorpe Lane in the parish of Egham in the county of Surrey and at Sunningdale Station in the parish of Windlesham in the same county when and so long as the main gates over the railway at those places respectively are closed against carriage traffic.

Power to take additional lands for general purposes.

20. Subject to the provisions of this Act the Company may for widening enlarging extending and improving their railways and stations and siding accommodation and for roads and approaches and for taking and getting ballast and for depositing spoil and for all or any other purposes of their undertaking enter upon take hold and use the whole or any part or parts of the lands and buildings next herein-after mentioned shown on the deposited plans and described in the deposited books of reference (that is to say):—

(A) Waterloo.

Lands and buildings in the parish of Saint Mary Lambeth in the county of London bounded on the south by Addington Street on the west partly by the Company's property and partly by "The Bell" public-house York Street and on the north and east by the Company's property:

(B) Nine Elms.

Land and houses in the parish of Saint Mary Battersea in the county of London being Numbers 18 to 34 (both inclusive) Woodgate Street with the piece of land and buildings thereon adjoining Number 34 Woodgate Street:

(C) Clapham Junction.

Land and houses near Clapham Junction Station in the said parish of Saint Mary Battersea lying between the Company's main line of railway Saint John's Hill and Strath Terrace:

(D) Southfields Station.

Land in the parish of Wandsworth in the county of London abutting and on the east side of the Company's Wimbledon and Fulham Railway and situated between Wimbledon Park Road and Granville Road:

(E) Feltham.

Land in the parish of Feltham in the county of Middlesex abutting for a distance of about 1 chain on the public road

A.D. 1895.

called Chapel Lane and situate between that road and the Company's land and forming part of the field numbered 78 on the $\frac{1}{2500}$ Ordnance map of the said parish:

(f) Farncombe.

Lands and buildings in the parish of Godalming in the county of Surrey abutting respectively on the north-west and south-east sides of the Company's railway and extending from Farncombe Street to a point about 18 chains measured in a north-easterly direction along the said railway:

(g) Northam.

(1) Lands in the parish of Saint Mary in the town and county of the town of Southampton abutting and on the east side of the Company's main line of railway and between two points distant respectively about $1\frac{1}{4}$ chains and $9\frac{1}{2}$ chains measured in a northerly direction along the said railway from Bevois Street;

(2) Two houses and premises in the said parish of Saint Mary known as Numbers 30 and 31 Mount Pleasant Road:

(h) Southampton Docks.

Land below low-water mark in the parish of Saint Mary in the town and county of the town of Southampton abutting and on the east side of the Company's dock property extending southwards from the entrance to the Empress Dock for a distance of about $28\frac{1}{2}$ chains and containing about 4 acres 1 rood 0 perches:

(i) Eastleigh.

All or any outstanding estates terms rights or interests in over or affecting a piece of land in the parish of North Stoneham in the county of Southampton being a portion of the Company's Chickenhall estate and numbered 263 on the $\frac{1}{2500}$ Ordnance map of the said parish:

(j) Bishops Waltham.

Lands in the parish of Bishops Waltham in the county of Southampton abutting on the north-east side of the Company's property at Bishops Waltham Station and extending in a north-easterly direction for about 4 chains:

(k) Fareham.

Land in the parish of Fareham in the county of Southampton abutting and on the west side of the Company's Bishopstoke and Gosport Railway being part of the field numbered 213 on the $\frac{1}{2500}$ Ordnance map of the said parish:

(l) Totton.

Lands and buildings in the parish of Eling in the county of Southampton abutting towards the north on the Company's Southampton and Dorchester Railway and known as Alexandra Cottages Junction Road:

(m) Winchester.

(1) Lands in the parishes of Weeke and Saint Bartholomew Hyde in the county of Southampton abutting and on the west side of the Company's main line of railway near Winchester Station lying between the Lower Stockbridge Road and the Andover Road;

(2) Lands in the said parishes on the east side of the said main line of railway near Winchester Station lying between the railway and the Andover Road:

(n) New Forest.

(1) Land in the New Forest in the parish of Eling in the county of Southampton situate on the east side of and adjoining the Company's Lyndhurst Road Station;

(2) Land in the New Forest (extra-parochial detached) in the county of Southampton situate on the south side of and abutting on the Company's Southampton and Dorchester Railway at or near the level crossing called Woodfidley;

(3) Land in the New Forest (extra-parochial detached) on the east side of the said railway and on the south side of the Beaulieu public road carried over the said railway near the mile post indicating $89\frac{1}{2}$ miles from London and extending in a southerly direction from the said bridge about 17 chains;

(4) Land in the New Forest (extra-parochial detached) on the west side of the said railway and on the south side of the said Beaulieu Road near the last-mentioned mile post and extending in a southerly direction from the said bridge about 30 chains:

A.D. 1895.

(o) Salisbury.

Lands in the parish of Fisherton Anger in the county of Wilts abutting and on the west side of the Company's Basingstoke and Salisbury Railway lying between the River Avon and Fisherton Street:

(p) Axminster.

Land in the parish of Hawkchurch in the county of Dorset abutting and on the east side of the Company's Yeovil and Exeter Railway and forming part of the field numbered 653 on the $\frac{1}{2500}$ Ordnance map of the said parish:

(q) Okehampton.

Land in the parish of Okehampton in the county of Devon at Okehampton Station abutting and on the south side of the Company's railway and extending from a point about 3 chains westward from the engine turntable to a point about 17 chains eastward of the said turntable.

The Company shall not under the powers of this section purchase or acquire more of the common or commonable lands described in this section under the heading "(n) New Forest" than the quantities mentioned in the following table (that is to say):—

Name by which the Lands are known.	Where the Lands are situate.	Estimated Quantity to be taken. A.	R.	P.
New Forest	Parish of Eling in the county of Southampton.	0	0	24
	Extra parochial - -	0	2	15
	Ditto - - - -	0	3	25

Purchase of additional lands confirmed.

21. The purchase by the Company for the purposes of their undertaking of the lands herein-after mentioned delineated on the deposited plans and described in the deposited books of reference is hereby confirmed (that is to say):—

(a) Andover Junction.

Land in the parish and township of Andover in the county of Southampton on the north-east side of Andover Junction Station and abutting on the north-west side of the Company's Basingstoke and Salisbury Railway:

(b) Bournemouth East.

Lands and houses at Boscombe in the parish of Christchurch in the county of Southampton known as Numbers 1 2 3 and 4 Wolverton Road :

(c) Micheldever.

Land on the east side of the Company's main line of railway at Micheldever Station in the parish of Micheldever in the county of Southampton abutting towards the west on lands of the Company :

(d) Northam.

(1) Three houses and premises at Northam in the town and county of the town of Southampton known as Numbers 27 28 and 29 Mount Pleasant Road ;

(2) Land and buildings at Northam on the west side of Radcliffe Road ;

(3) Land at Northam adjoining the west side of the Company's main line between Mount Pleasant Road and Duke's Road ;

(4) Land and buildings at Northam adjoining the western side of the Company's main line and on the south side of Mount Pleasant Road :

(e) Eastleigh.

Land in the parish of South Stoneham in the county of Southampton adjoining the Company's Chickenhall estate and numbered 128 on the $\frac{1}{2500}$ Ordnance map of that parish :

(f) Winchester.

(1) Lands in the parishes of Weeke and Saint Bartholomew Hyde in the county of Southampton adjoining the Company's railway and sidings on the west side of the Andover turnpike road ;

(2) Lands in the parish of Weeke in the county of Southampton adjoining the western side of the Company's railway on the north side of Lower Stockbridge Road and on the east side of Cranworth Road :

(g) Ascot.

Land in the parish of Sunninghill in the county of Berks adjoining and on the north side of the Company's railway at Ascot Station :

A.D. 1895.

(h) Axminster.

Lands in the parish of Axminster in the county of Devon on the east side of Axminster Station:

(i) Ilfracombe.

Lands in the parish of Ilfracombe in the county of Devon on the east side of the Company's Barnstaple and Ilfracombe line at Ilfracombe Station:

(j) Exeter.

Houses and premises in the parish of Saint David in the county of the city of Exeter known as 66 67 and 68 Saint David's Hill:

(k) Saint Budeaux.

Land in the parish of Saint Budeaux in the county of Devon abutting on the east side of the Plymouth Devonport and South Western Junction Railway immediately to the north of Saltash Railway Bridge:

(l) South Molton Road.

Land in the parish of Chulmleigh in the county of Devon on the west side of and adjoining the Company's North Devon Railway at or near the South Molton Road Station:

(m) Pinhoe.

Land in the parish of Pinhoe in the county of Devon on the north side of the Company's Yeovil and Exeter Railway at or near Pinhoe Station:

(n) Camberley.

Land in the parish of Ash otherwise Ash and Normandy parish of Frimley chapelry of Frimley or some or one of them in the county of Surrey on the south side of and adjoining Camberley Station:

(o) Clapham Junction.

House and premises in the parish of Saint Mary Battersea in the county of London and known as the Lindens Prested Road:

(p) Earlsfield.

(1) House and premises in the parish of Wandsworth in the county of London and known as Number 347 in Earlsfield Road;

(2) Lands in the said parish of Wandsworth on the east side of the railway at Earlsfield Station:

(Q) Feltham.

Land in the parish of Feltham in the county of Middlesex on the north side of the Company's Richmond and Windsor Railway near Feltham Station:

(R) Milford.

Land in the parish of Milford in the county of Wilts on the south side of and abutting on the Company's Bishopstoke and Salisbury railway near Milford Station.

Compensation to be made in respect of private rights extinguished.

22. The Company shall make full compensation to all parties interested in respect of all private rights of way or other private rights (if any) which by this Act are extinguished or interfered with and such compensation shall be settled in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and for that purpose any and every right so extinguished or interfered with shall be deemed to be an interest in land.

Vesting sites of roads &c. stopped up.

23. The sites and soil of so much as under the powers of this Act the Company shall stop up and discontinue for public traffic of any road footpath or way are by this Act vested (as to so much thereof as is bounded on both sides by land of the Company) in the Company and (as to so much thereof as is bounded on both sides by land of any other person) in such other person and (as to so much thereof as is bounded on opposite sides by lands belonging to different persons) in such owners respectively to the centre of the said road footpath or way in proportion to the respective frontages of their lands thereto The provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway shall apply to the lands so vested in the Company as if such lands had been purchased by the Company but the mines had not been expressly purchased.

Easements &c. may be granted by incapacitated persons.

24. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for any of 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.

Lands for extraordinary purposes.

25. The Company may by agreement from time to time purchase additional land for any of the extraordinary purposes specified in

A.D. 1895.

the Railways Clauses Consolidation Act 1845 connected with their general undertaking not exceeding in quantity ten acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

26. The powers of the Company under this Act for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

Restrictions on displacing persons of labouring class.

27.—(1) The Company shall not under the powers of this Act purchase or acquire in any parish within the metropolis twenty or more houses or in any other city borough or urban district or outside the metropolis in any parish or part of a parish not being within an urban district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Secretary of State or the Local Government Board (as the case may be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2) The approval of the said Secretary of State or the Local Government Board (as the case may be) to any scheme under this section may be given either absolutely or conditionally and after the said Secretary of State or the Local Government Board (as the case may be) have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall

require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Secretary of State or the Local Government Board (as the case may be) may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the said Secretary of State or the Local Government Board (as the case may be) may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State or the Local Government Board (as the case may be) out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State or the Local Government Board (as the case may be) by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands beyond the metropolis by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which

A.D. 1895.

capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be indorsed with notice of this enactment:

Provided also that the said Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he or they may see fit.

(8) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 and the Metropolis Management Act 1855 and any Act or Acts amending those respective Acts.

(9) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(10) The said Secretary of State or the Local Government Board (as the case may be) may direct any inquiries to be held which he or they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(11) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(12) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under

this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(13) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Secretary of State or the Local Government Board (as the case may be) under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the said Secretary of State or the Local Government Board (as the case may be) is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Secretary of State or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

(14) For the purposes of this section the expression "labouring class" 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 such persons who may be residing with them.

Company to make good parochial rates until works are assessed.

28. If and while the Company are possessed under this Act of any lands in the parishes of Saint Mary Lambeth Saint Mary Battersea and Wandsworth or either of them assessed or liable to be assessed in the respective parishes to any sewers rate main drainage rate lighting rate or general purposes rate they shall from time to time until the works for the purposes for which the Company are by this Act authorised to acquire the lands above referred to are completed and assessed or liable to be assessed in the respective parishes to the respective rates be liable to make good the deficiency in the assessment for the respective rates by reason of those lands being taken or used for the purposes of the said works and the deficiency shall be computed according to the rental at which those lands with any buildings thereon are now

A.D. 1895.

rated and on demand the Company shall in each case pay the deficiency to the collector of the respective rate.

Exhibition of placards in the county of London.

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

Buildings not to be brought beyond general line &c.

30. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway or without the consent of the London County Council to erect or maintain any building beyond the general line of building in any street.

Application of Railways Clauses Acts to Bodmin and Wadebridge Railway and repeal of portions of Act of 1832.

31. From and after the passing of this Act the provisions of the general Railway Acts shall apply to and in the case of the whole of the Bodmin Railway as if those provisions had been incorporated with and formed part of the Acts of 1832 and 1835 and the Acts of 1832 and 1835 so far as they are inconsistent with the provisions of the general Railway Acts or make other and different provisions than those contained in the last-mentioned Acts with respect to the same subject matter (and especially but not exclusively sections 54 to 60 of the Act of 1832) are by this Act repealed but the repeal thereof shall not have any retroactive operation.

Confirming scheduled agreement.

32. The agreement set forth in the schedule to this Act is hereby confirmed and made binding on the Budleigh Salterton Railway Company and the Company respectively.

For protection of Postmaster General.

33. Nothing in this Act or in the agreement set forth in the schedule to this Act shall affect the rights of the Postmaster General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Budleigh Salterton Railway Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified

and the Postmaster General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Budleigh Salterton Railway Company is owned leased or worked by the Company as freely and fully in all respects as he was entitled to do before the passing of this Act.

Saving rights of the Crown.

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

As to leases of Crown lands.

35. The Commissioners of Woods and Forests with the consent of the Treasury on the one hand and the Company on the other hand may from time to time enter into and carry into effect vary or rescind agreements for the grant to the Company of a lease or leases for such term or terms of years as may be agreed of the estate and interest of Her Majesty Her heirs and successors in any lands shown on the deposited plans and described in the deposited books of reference belonging to Her Majesty and under the management of the said Commissioners and the Company may hold and use for any purposes of their undertaking any lands included in any such agreement or lease.

Provisions as to rights of commoners of the New Forest.

36. As regards the rights of the commoners of the New Forest in or over any lands comprised in any agreement or lease to be made or granted under the last preceding section the following provisions shall have effect (that is to say) :—

(A) The open lands of the New Forest over which rights of common exist shall be deemed to be common or waste lands within the meaning of the Lands Clauses Consolidation Act 1845 ;

(B) The said rights of common shall not be extinguished but compensation shall be made by the Company therefor during such time as they shall be suspended by the operation of any such agreement or lease and such compensation shall be by the payment of an annual sum and not of a sum in gross ;

A.D. 1895.

(c) The annual sum to be so paid by way of compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 with respect to compensation to be paid for the extinction of commonable rights;

(d) The verderers of the New Forest as constituted by the New Forest Act 1877 shall be deemed to represent the commoners for the purposes of this Act and to constitute a committee of such commoners within the meaning of the one hundred and fourth and following sections of the Lands Clauses Consolidation Act 1845 save only and except such part of section one hundred and four as provides for the distribution of compensation received by a committee;

(e) Any money to be received by way of compensation by the verderers acting as such committee as aforesaid shall be applicable by them to and for the purposes and in the manner to for and in which the same would be applicable by them in case the same were money coming to their hands under or by virtue of the New Forest Act 1877.

Saving the rights of the Duchy of Cornwall.

37. Nothing contained in this Act 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.

Provision as to issue of debenture stock created for subscription.

38. The Company may when and as deemed fit issue and dispose of three per centum consolidated debenture stock of the Company to the nominal amount of one hundred and eighty-seven thousand five hundred pounds being the amount of debenture stock which the Company were entitled to receive under the provisions of the Docks Act 1892 as holders of two hundred and fifty thousand

pounds of consolidated preference stock of the dock company and which amount of one hundred and eighty-seven thousand five hundred pounds forms part of the nominal amount of one million three hundred and sixty thousand pounds of debenture stock which the Company were authorised by the Docks Act 1892 as amended by the South Western Railway Act 1892 to create and have created for the purpose of the purchase of the Southampton Dock undertaking and in connexion therewith.

As to unexercised money powers of Southampton Dock Company.

39. The Company may when and as deemed fit create and issue new shares or stock whether ordinary or preferential to a nominal amount not exceeding two hundred and ninety-nine thousand seven hundred and thirty-five pounds and in respect thereof when fully paid up may create and issue three per centum consolidated debenture stock to the nominal amount of eighty-six thousand five hundred and sixty-three pounds which respective amounts represent the unissued capital of the Southampton Dock Company as specified in the First Schedule to the Docks Act 1892 and in respect of which powers were conferred upon the Company by section 28 of that Act.

Application of moneys raised under two last preceding sections.

40. All moneys raised by the issue of new shares or stock or consolidated debenture stock under the provisions of the two last preceding sections of this Act shall be applied for purposes of or connected with the Southampton Dock undertaking of the Company or for any other purposes of the Company being in every case purposes to which capital is properly applicable.

Power to apply funds.

41. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which by any previous Act or Acts they are authorised to raise by shares stock debenture stock or borrowing and which are not by the Act or Acts under which they are authorised to be raised made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Power to raise further money for purposes of this Act.

42. The Company from time to time may for all or any purposes of this Act (including the purchase of lands by this Act authorised for the purposes of the Somerset and Dorset Railway) and for the general purposes of the Company (being purposes to which capital is properly applicable) raise by new shares or new stock (whether ordinary or preferential or both) any amount or amounts of capital not exceeding five hundred thousand pounds.

Shares not to be issued until one fifth paid.

43. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

A.D. 1895.

Calls.

44. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts in case of persons not sui juris.

45. If any money be 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.

Provisions of Company's Act of 1862 to extend to Company's shares and stock under this Act.

46. The provisions of sections 47 to 70 of the South Western Railway (Additional Powers) Act 1862 with respect to preferential shares and stock and the cancellation of shares and stock and the issue of new shares or stock instead of cancelled shares or stock and with respect to voting for shares or stock and otherwise respecting shares and stock shall extend to this Act with respect to the Company and the shares and stock which by this Act they are authorised to create and issue.

Further borrowing powers to the Company.

47. The Company may from time to time (in addition to any sums which they are for the time being authorised to borrow) borrow on mortgage of their undertaking in respect of their additional capital of five hundred thousand pounds which they are by this Act authorised to raise any sum or sums not exceeding in the whole one hundred and sixty-six thousand six hundred and sixty-five pounds and of the last-mentioned sum they may borrow thirty-three thousand three hundred and thirty-three pounds in respect of every one hundred thousand pounds of the said capital of five hundred thousand pounds:

Provided always that no part of any such sum of money shall be borrowed by the Company under the powers of this Act unless and until the portion of additional capital by this Act authorised in respect of which it is to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such portion of additional capital has been issued and accepted and that one half thereof has been paid up and not less than one fifth part of the amount of each separate share in so much of such portion of capital as is to be raised by means of shares has been paid on account of such shares before or at the time of the issue or acceptance thereof and that stock for one half of so much of such portion of 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 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 if any part of such portion of 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.

48. All mortgages granted by the Company in pursuance of any Act passed before the passing of this Act and subsisting at the time of the passing of this Act shall during the continuance thereof respectively have priority over any mortgages to be granted by virtue of this Act Provided that this section does not apply to any mortgage from time to time granted by the Company in accordance with section 21 of the South Western Railway (General) Act 1865 or section 60 of the South Western Railway (General) Act 1867.

Provisions as to appointment of receiver repealed.

49. Section 52 of the South Western Railway Act 1893 for appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or proceedings now pending under the provisions of that section or any of them.

For appointment of a receiver.

50. The Company's mortgagees may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount of principal owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than ten thousand pounds.

Debenture stock.

51. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 53 of the South Western Railway Act 1890.

Application of moneys.

52. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall except as by this Act otherwise provided be applied only for purposes to which capital is properly applicable.

Sections 18–20 of Companies Clauses Consolidation Act 1845 applied to consolidated stocks and debenture stock.

53. Sections 18 19 and 20 of the Companies Clauses Consolidation Act 1845 shall be deemed and construed to include and apply to all or any stock of the Company formed or to be formed by consolidation of shares into stock and all or any debenture stock of the Company created or to be created by the Company and interest on any such

A.D. 1895.

stock as if such stocks and interest respectively had been expressly named in the said sections.

Company and Midland Company may purchase additional lands for Somerset and Dorset Railway.

54. Subject to the provisions of this Act the Company and the Midland Company may for widening enlarging extending and improving the Somerset and Dorset Railway and for station and siding accommodation thereon and for roads and approaches and for taking and getting ballast and for depositing spoil and for other purposes in connexion with the said railway enter upon take hold and use the whole or any part or parts of the lands in the parish of Radstock in the county of Somerset lying on either side of the said railway and shown on the deposited plans and described in the deposited books of reference.

Restriction on two companies taking houses of labouring class.

55. The Company and the Midland Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose of this section the expression "labouring class" 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.

Easements &c. may be granted to two companies by incapacitated persons.

56. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company and the Midland Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands by two companies.

57. The powers of the Company and the Midland Company under this Act for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

Midland Company may apply funds.

58. The Midland Company may apply for any of the purposes of this Act relating to them to which capital is properly applicable any moneys which by any previous Act or Acts they are authorised to raise by shares stock debenture stock or borrowing and which are not by the Act or Acts under which they are authorised to be raised made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Interest not to be paid on calls paid up.

59. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him But nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

60. The Company shall not out of any money by this Act authorised to be raised by them 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.

61. Nothing in this Act contained shall exempt the railways of any railway company 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 authorised to be taken by any railway company.

Costs of Act.

62. 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.

A.D. 1895.

The SCHEDULE referred to in the foregoing Act.

Articles of Agreement made the ninth day of August 1894 between the Budleigh Salterton Railway Company (herein-after called the Owning Company) of the one part and the London and South Western Railway Company (herein-after called the Working Company) of the other part.

Whereas by the Budleigh Salterton Railway Act 1894 the Budleigh Salterton Railway Company was incorporated and authorised to make and maintain a railway from a point near the Tipton St. John's Station on the Sidmouth Railway to Budleigh Salterton in the county of Devon (herein-after referred to as "the Salterton Railway"):—

And whereas the Sidmouth Railway is worked by the Working Company under an agreement dated the 17th day of March 1871 and scheduled to the Sidmouth Railway Act 1871 and a supplementary agreement dated the 2nd April 1874:

And whereas the Owning Company have requested the Working Company to work the Salterton Railway if completed which the Working Company have agreed so to do on the terms and conditions herein-after contained:

And whereas the Salterton Railway as proposed to be constructed will pass through lands nearly the whole of which form part of the estates in the county of Devon subject to the trusts of the will of John Lord Rolle deceased (herein-after referred to as "the Rolle estate") whereof the Hon. Mark George Kerr Rolle (one of the directors of the Owning Company) is now the tenant for life:

And whereas by the said Budleigh Salterton Railway Act 1894 it is among other things enacted that it shall be lawful for the trustees of the Rolle estate with the consent of the said Mark George Kerr Rolle or other the tenant for life in possession of the Rolle estate to guarantee by a charge upon the Rolle estate or any part or parts thereof the payment in each half-year after the completion and opening of the railway by this Act authorised for public conveyance of passengers for any period not exceeding twenty years of such a sum (if any) as with the share of the net earnings of the railway coming to the Company for that half year and not required for current expenses of the Company shall be required to make up a sum equal to interest at 3*l.* per cent. per annum on so much of the capital of the Company as may for the time being have been called up and from time to time to charge all sums so guaranteed with interest thereon at any rate not exceeding 4*l.* per cent. per annum on any part or parts of the Rolle estate and to raise such sums by mortgage in fee or for any term or terms of years of any part or parts of the Rolle estate:

Now these presents witness and it is hereby agreed between the said parties hereto as follows (that is to say) :— A.D. 1895.

Article 1. The Owning Company shall at their own expense acquire in fee simple and free from all incumbrances rentcharges land tax rents and outgoings (except a duly apportioned amount of tithe commutation rentcharge) all the necessary land and properties for forming the site of the railways described in and proposed to be authorised by the Budleigh Salterton Railway Act 1894 and for forming the site of the several stations approaches works and conveniences necessary and proper to be made in connexion therewith which railways works and conveniences are enumerated or referred to in these articles and which railways stations works and conveniences are in these articles comprised under the expression "the Salterton Railway" Provided that the Owning Company shall not be compelled to redeem the land tax unless called upon to do so.

Article 2. The Salterton Railway shall at the expense of the Owning Company—

(A) Be constructed on the narrow gauge of 4 feet 8½ inches exclusively ;

(B) Be at least proper and sufficient for receiving carrying and accommodating the rolling stock and plant of the Working Company of all descriptions and all traffic upon or over the Salterton Railway as herein-after provided ;

(C) Commence by a junction with the Sidmouth Railway Company's existing railway (which with the works stations and conveniences thereof is herein-after called the "Sidmouth Railway" and which is worked equipped manned managed and maintained by the Working Company) near the Tipton St. John's Station thereon and shall terminate at Budleigh Salterton in a field known as Broad Park and numbered 431 on the tithe commutation map for the parish of East Budleigh and the said junction shall be constructed and formed with its incidental signals and signal and point apparatus and block or electrical apparatus by the Working Company and thereafter shall be worked managed and maintained by them and the Owning Company shall pay or allow to the Working Company the sum of 65*l.* each year in respect thereof and the details incidental to the same junction and the exact points and mode of forming the same junction shall be fixed by the Working Company but subject to and so as to receive the approval of the Board of Trade and so that the said junction shall unless otherwise agreed between the Working and the Owning Companies be as nearly as possible at the point shown on the deposited plans ;

(D) Be constructed finished and completed as a single line of railway at least with land throughout for a double line and with signals signal boxes and all appliances connected therewith required by the Board of Trade or reasonably by the Working Company including telegraph communication the electric block system and all incident works and conveniences also including one proper and sufficient intermediate station on such site as the Owning Company shall determine but such station shall not be placed on a steeper gradient than 1 in 300 ;

(E) Include proper and sufficient stations and where required stationmasters houses waiting sheds station yards and approaches with all usual necessary

A.D. 1895.

and proper accommodation and conveniences goods shed and engine shed at Budleigh Salterton sidings water crane tank loading banks cranes turntables and other works and conveniences such as in all respects the Owning Company would have had to construct if they had been about to work the railway;

(F) Be provided with the necessary permanent way including all switches crossings and other requisite connexions and the whole shall be formed of and laid in full accordance with the Working Company's type of permanent way comprising double head section Bessemer steel rails weighing 82 lbs. per lineal yard in 30 feet lengths Bessemer steel "bracket" pattern fishplates weighing 35 lbs. per pair cast iron chairs weighing 40 lbs. each wrought iron fishbolts (four to each pair of fishplates) compressed English oak keys wrought iron spikes and hollow trenails (three of each for each chair) 9 feet by 10 inches by 5 inches rectangular Baltic redwood fir sleepers each sleeper to be suitably adzed to form a perfectly level bed for the base of each chair and each sleeper to be impregnated with not less than 3 gallons of the best creosote The switches crossings and other connexions to be formed of fittings in general accord with the foregoing and to be fitted and laid in manner usually adopted by the Working Company the timbers for supporting switches crossings &c. to be of similar growth and equal in quality to the ordinary sleepers such timbers to measure 14 inches in width by 7 inches in thickness and to be of the full varying lengths required to suit the several switches crossings &c. and to be impregnated with not less than one gallon of creosote per cubic foot of timber;

The whole of the materials for the permanent way shall strictly conform to the Working Company's several standard specifications usually observed for their supply and shall be to the satisfaction of the Working Company's engineer for the time being and be subject to inspection before delivery;

Each pair of 30 feet rails shall be supported by not less than eleven sleepers The distance between the nine intermediate sleepers shall be 2 feet $10\frac{1}{2}$ inches measured from centres to centres The distance between the first and second sleeper and the tenth and eleventh sleeper shall be 2 feet 5 inches from centres to centres the distance from the end of the rail to the centre of the first sleeper shall be 1 foot 1 inch and from the centre of the eleventh sleeper to the other end of the rail 1 foot 1 inch and the whole of the permanent way shall be laid and completed to the satisfaction of the Working Company's engineer and in conformity with the requirements of the Board of Trade;

(G) Be properly ballasted with gravel to the satisfaction of the Working Company's engineer laid to a thickness of 12 inches on the formation level and the remaining or top ballast shall consist of a proper mixture of clean coarse and fine gravel laid to a proper thickness throughout with a width at the top of 12 feet in accordance with the Working Company's standard drawing for new lines;

(H) Be completed by and at the expense of the Owning Company in the particulars in this article enumerated and otherwise in every other respect so as to be fit and safe for traffic of all descriptions and to the satisfaction

of the Board of Trade and to the reasonable satisfaction of the Working Company or their engineer for the time being.

Article 3. The Salterton Railway shall at the expense of the Owning Company comprise all works lawfully required by landowners commissioners boards turnpike trustees surveyors or others under any statutory right or under any agreement and all works rendered necessary by reason of roads being interfered with by the Salterton Railway and all accommodation and other works whatsoever which on the opening of the Salterton Railway or at any time thereafter are or may be necessary or proper for the purposes of the Salterton Railway and the traffic thereon respectively and which the Owning Company would have to construct if the line were worked by themselves.

Article 4. The Owning Company shall at their own expense during one year after the opening of the Salterton Railway for public traffic uphold maintain and repair the structural works cuttings and embankments of the same and all the buildings and works and conveniences of the Salterton Railway except those in this article mentioned as to be maintained and repaired by the Working Company the workmen engaged in the maintenance and repair aforesaid to be approved by and be under the control of the Working Company the Working Company to maintain and repair the permanent way signals interlocking and electrical appliances and all other such works and conveniences from such day of opening at their own expense.

Article 5. From and after the completion or opening of the Salterton Railway for public traffic the Working Company shall have the privilege and duty of exclusively and in perpetuity working equipping with all rolling stock and locomotive power tools and stores adequate and proper required by the Working Company for manning managing and maintaining and shall at their own expense exclusively and in perpetuity work equip as aforesaid man manage and (subject and without prejudice to the obligation of the Owning Company as aforesaid in Articles 3 and 4) maintain the Salterton Railway and the works and conveniences thereof as effectively as if the Salterton Railway was part of their own system of railways and the Working Company shall pay all rates properly chargeable on the occupiers of the Salterton Railway including the apportioned tithe commutation rentcharge and shall indemnify the Owning Company therefrom.

Article 6. The term "the gross earnings" herein-after used means and includes the following things viz. :—

(A) All fares rates and charges including terminals (if any) for traffic conveyed locally on the Salterton Railway but deducting the cartage cost of goods and parcels carried at carted rates and other out payments provided that Tipton St. John's Station shall not be considered to be a station on that railway ;

(B) A due mileage proportion of all fares rates and charges for traffic conveyed partly upon the Salterton Railway and partly either on the Sidmouth Railway alone or on that railway and the railway of the Working Company or on those railways and any others or other in connexion therewith over which through booking extends including such terminals as may be payable or credited under the Clearing House regulations to the

A.D. 1895.

Salterton Railway (but excluding Tipton St. John's Station) on traffic passing between some point on the Salterton Railway and some point on a railway owned or worked by the Working Company or other railways in connexion therewith and on the other hand excluding such terminals as may be payable or credited under the Clearing House regulations to a railway owned or worked by the Working Company or other railways in connexion therewith but deducting from the terminals payable or credited to the Salterton Railway the cartage cost of goods and parcels carried at carted rates and included in such terminals;

(C) The cartage cost mentioned in divisions (A) and (B) means the actual cost incurred by the Working Company for the cartage service performed and the allowance made by the Working Company to consignors or consignees performing the cartage service;

(D) There shall be included in the gross earnings all sums received for rents for use of cloak-rooms and for advertisements and book-stalls (if any) at any station upon the Salterton Railway excluding the Tipton St. John's Station.

Article 7. The Working Company shall receive the gross earnings of the Salterton Railway and shall thereout—

(A) Retain such an amount as may be necessary to discharge the Government duty on passenger traffic from time to time payable;

(B) Retain the said sum of 65*l.* per annum to defray the cost as aforesaid of maintaining and working the junction between the Salterton Railway and the railway of the Working Company and works incidental thereto including the signals interlocking and electrical appliances thereat or consequent thereon and all rentcharges land tax and outgoings properly payable by the Owning Company in respect of the Salterton Railway or any part thereof and which the Working Company may have paid on the default of the Owning Company;

(C) Retain such a sum as shall be equal to 60 per cent. of the gross earnings in any half year after deducting the payments in sub-sections (A) and (B) above mentioned;

(D) Pay to the Owning Company such a sum not exceeding 150*l.* per annum as may be required for their office rent and expenses; and

(E) Pay or account for the balance of such gross earnings to the Owning Company each half year ending as the case may be on the 30th day of June and the 31st day of December.

Article 8. The Working Company shall so work the railways of the Owning Company as fairly and efficiently to develop the traffic and the Working Company shall carry all goods and passengers destined for or coming from any station on the Salterton Railway as if such railway formed part of their own system of railways.

Article 9. If at any time previous to the opening for traffic of the Salterton Railway the trustees of the Rolle estate shall duly execute in favour and to the satisfaction of the Working Company a guarantee for payment to the Working Company in each half year during twenty years after the completion and opening of the Salterton Railway for public traffic or during ten years from

the opening for public traffic of an extension of the Salterton Railway to form a connexion with the Working Company's railway at Exmouth which the Owning Company may obtain powers to make and which may be approved by the Working Company whichever of those terms of twenty years and ten years shall first determine of such a sum (if any) as with the residue of gross receipts belonging to the Owning Company for such half year as aforesaid shall be required to make up 3*l.* per cent. per annum for such half year on so much of the capital of the Owning Company not exceeding 63,000*l.* as may for the time being have been called up and paid then and in such case and if and whenever at any time after the opening of the said railway the residue of the gross receipts so belonging to the Owning Company as aforesaid shall in any half year be insufficient to pay a dividend at the rate of 3*l.* per cent. per annum on such called up and paid capital of the Owning Company for such half year the Working Company shall pay to the Owning Company such a sum of money as shall together with such residue of gross receipts be necessary to make up the dividend at the said rate for such half year provided always that the trustees of the Rolle estate and the tenant for life remain and continue bound by the aforesaid guarantee and duly fulfil the same in relief of the obligation in this behalf of the Working Company.

Article 10. If the Working Company apply to Parliament for powers enabling the Owning Company to make and the Working Company to accept a transfer or lease of the Salterton Railway on terms to be agreed on between the companies or in the Working Company's option on terms analogous to the terms in these articles mentioned and securing to the Owning Company in perpetuity in and for the consideration for the transfer or lease the same proportion half-yearly and yearly of the residue of the gross receipts as is by these articles secured to them whilst the Salterton Railway continues to be worked under the working arrangement effected by these articles the Owning Company will consent to and at the request and expense of the Working Company will support the application and if the necessary powers be obtained will at the like request and expense make an absolute transfer or perpetual lease of the Salterton Railway to the Working Company on (if not otherwise agreed) the terms in this article mentioned.

Article 11. Any difference or dispute arising between the parties hereto with reference to the construction of this agreement or question relating thereto shall be referred to the arbitration of a sole arbitrator under the Railway Companies Arbitration Act 1859 such arbitrator to be nominated in case of difference by the Board of Trade.

In witness whereof the Owning Company and the Working Company have caused their respective common seals to be hereunto affixed the day and year first above written.

The common seal of the London and South Western Railway Company was hereunto affixed in the presence of
FRED. J. MACAULAY
Secy.

L.S.

A.D. 1895.

The common seal of the Budleigh Salterton Railway Company was hereunto affixed in pursuance of a resolution of the directors in the presence of

Jas. Wm. Dawson
28 Lincoln's Inn Fields
London
Solicitor.

L.S.

Indorsement on aforegoing Agreement.

Whereas Sir George Stucley Stucley and the Right Honourable Sir Massey Lopes being the trustees of the Rolle estate mentioned in the foregoing agreement have (with the consent of the above-named Mark George Kerr Rolle as tenant for life of the Rolle estate) executed in favour and to the satisfaction of the Working Company mentioned in the foregoing agreement a guarantee on the terms and conditions and in accordance with the provisions of Article 9 of the foregoing agreement The Working Company agree that if and whenever at any time after the opening of the Budleigh Salterton Railway the residue of the gross receipts belonging to the Owning Company shall in any half year be insufficient to pay a dividend at the rate of 3*l.* per centum per annum on so much of the capital of the Owning Company not exceeding 63,000*l.* as may for the time being have been called up and paid then the Working Company shall pay to the Owning Company such a sum of money as shall together with such residue of gross receipts be necessary to make up the dividend for any half year at the said rate Dated this 4th day of April 1895.

The common seal of the London and South Western Railway Company affixed hereto in the presence of

Fred. J. Macaulay
Secy.

L.S.

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