CHAPTER clxi.

An Act for authorising the London and South-western Railway Company to make and maintain new Railways in the parish of St. Mary, Battersea, to execute other Works, to purchase additional Lands, and to raise further Moneys; and for other purposes. [21st July 1873.] A.D. 1873.

WHEREAS it is expedient that the London and South-western Railway Company (in this Act called "the Company") be authorised to construct in the parish of St. Mary, Battersea, in the county of Surrey, the railways (Battersea Lines No. 1 and No. 2) by this Act authorised, and in connexion therewith to divert part of the branch railway of the West London Extension Railway leading from that railway to Clapham Junction station, and to close for public traffic the portions in that behalf mentioned in this Act of the existing railway of the Company:

And whereas by the South-western Railway (General) Act, 1869, (in this Act called "the Act of 1869,") the Company were authorised to widen on both sides thereof their main line of railway near their Basingstoke station, and certain articles of arrangement between the Company and the mayor, aldermen, and burgesses of the town of Basingstoke having reference to such widening were confirmed by the same Act, and it was by that Act provided (section 9) that the works thereby authorised should be completed within three years from the passing of the Act:

And whereas the Company have made and completed the widening on the north side thereof of their railway authorised by the Act of 1869, but have not executed any works for the widening of their said railway on the south side thereof, and it is expedient that the powers of the Company in reference to the last-mentioned widening under the Act of 1869 be revived:

And whereas by the South-western Railway (General) Act, 1871, (in this Act called "the Act of 1871,") the Company were autho-

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rised to make and maintain, amongst other railways, a railway in that Act and in this Act called Railway F, in the parish of Canford Magna, in the town and county of the town of Poole and county of Dorset, or one of them, in substitution for certain authorised railways and parts of railways of the Company, and for part of Railway No. 3 authorised by the Poole and Bournemouth Railway Act, 1865, (in this Act called "the Poole Act of 1865,") which last-mentioned railways and parts of railways the Company and the Poole and Bournemouth Railway Company (in this Act called "the Poole Company") were respectively authorised and required by the Act of 1871 to abandon:

And whereas Railway F would be wholly useless unless and until the unabandoned portion of Railway No. 3 authorised by the Poole Act of 1865 should be completed and opened for traffic, and (the Poole Company not having executed any part of the unabandoned portion of the said Railway No. 3) the Company have not as yet made Railway F, or any part thereof:

And whereas by the Act of 1871 (sections 20 and 21) the time for the compulsory purchase by the Company of lands for the purposes of Railway F, and for the completion of that railway, were respectively limited to the first day of June one thousand eight hundred and seventy-two:

And whereas by the Poole and Bournemouth Railway Act, 1872, the period limited for the completion of (amongst others) the unabandoned portion of the said Railway No. 3 was revived and extended to the thirty-first day of December one thousand eight hundred and seventy-two:

And whereas if the railway by this Act authorised in the town and county of the town of Poole and the county of Dorset, or one of them (in this Act called Railway G), were constructed in lieu of part of Railway F, the purposes of the last-mentioned railway would be more effectually accomplished, and it is expedient that the Company be authorised to construct Railway G accordingly, and that the powers of the Company for the purchase of lands for, and for the completion of, the remainder of Railway F be revived and extended:

And whereas the Company require additional lands for the purposes herein-after mentioned; that is to say,

At or near their Waterloo station, for improving the approaches to the Richmond and Windsor terminus of the Company;

At Battersea, for an enlargement and re-arrangement of the Company's goods depôt and for engine accommodation near the Nine Elms station;

At Southampton, for an enlargement of the Company's terminal station there;

At Kingston, for further station accommodation at the Company's Surbiton station;

At Holdenhurst, for further station accommodation in connexion with the Ringwood, Christchurch, and Bournemouth Railway (which railway the Company work under agreement sanctioned by Parliament);

At Crediton, for further accommodation in connexion with the Exeter and Crediton Railway (of which railway the Company are the lessees);

And elsewhere for affording further station or other accommodation in connexion with railways belonging to the Company, or for digging and getting gravel, chalk, and other materials for the maintenance and repair of the railways of the Company, or for other purposes of or connected with their undertaking;

and it is expedient that the Company be authorised accordingly to purchase the additional lands in this Act in that behalf mentioned:

And whereas it is expedient that for the purposes of or in connexion with the purchase of such additional lands the Company be authorised to stop up part of Sussex Street, New Road, in the parish of St. Mary, Battersea, and that they be authorised to divert part of the public carriage road leading from Nursling Mill, in the parish of Nutshalling, otherwise Nursling, in the county of Southampton, over the railway of the Company to Redbridge:

And whereas it is expedient that all rights of way (if any) across or over so much of the Company's railway in the parish of Twickenham, in the county of Middlesex, as in this Act in that behalf specified be extinguished:

And whereas it is expedient that the Company be authorised to stop up the road known as St. Lawrence Road, in the parish of St. Mary, in the town and county of Southampton, and that all public and other rights over that road and over any other lands in the last-mentioned parish which the Company by this Act are or by any former Act have been authorised to purchase and acquire be extinguished:

And whereas by "The Poole and Bournemouth Railway Act, 1865," the Poole and Bournemouth Railway Company (in this Act called "the Poole Company") were incorporated with a share capital of 90,000*l.*, and with power to borrow on mortgage 30,000*l.*:

And whereas by the Act of 1871 the Company and the Poole Company were empowered to enter into and carry into effect agree-

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ments on such terms, pecuniary and otherwise, and conditions as the contracting companies might think fit for (amongst other things) the making by the Poole Company, and the accepting by the Company, of a sale and conveyance or transfer, or of a lease, of all or any part of the undertaking, railway, property, rights, and powers of the Poole Company:

And whereas it is expedient that for the purposes of any such sale, conveyance, transfer, or lease, and for other the purposes of this Act, the Company be authorised to raise further moneys:

And whereas plans and sections of the works by this Act authorised, and plans of the additional lands which by this Act the Company are authorised to purchase and acquire, 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, were duly deposited with the respective clerks of the peace for the counties of Surrey, Middlesex, Southampton, Dorset, Devon, the town and county of the town of Poole, and the town and county of the town of Southampton, and those plans, sections, and books of reference are in this Act 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:

Short title.

1. This Act may be cited as "The South-western Railway (General) Act, 1873."

Provisions of general Acts herein named incorporated.

2. The provisions following 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 and 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 upon 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;

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

With respect to the consolidation of the shares into stock; and
With respect to the provision to be made for affording access to the special Act by all parties interested;
"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;"
"The Railways Clauses Consolidation Act, 1845;" and
Part I. (relating to the construction of a railway), Part II. (relating to extension of time), 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 of terms.

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 the construction; and the expression "superior courts" or "courts 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.

Power to make railways and works at Battersea.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and in accordance with the levels shown on the deposited plans and sections, the railways and works described in this section, with all proper sidings, stations, approaches, works, and conveniences connected with those railways, and all incidental works and conveniences, and may enter upon, take, and use such of the lands shown on the deposited plans and specified in the deposited books of reference as may be required for the purpose. The railways and works referred to in this section and authorised by this Act are:

(A.) A railway (Battersea Line No. 1) 4 furlongs and 4½ chains or thereabouts in length, wholly in the parish of St. Mary, Battersea, in the county of Surrey, commencing by a junction with the Richmond and Windsor line of railway of the Company, at a point about 5 chains eastwards from Falcon Lane Bridge, and terminating by a junction with the same line of railway at a point about 10 chains westward from Plough Lane:

(B.) A railway (Battersea Line No. 2) 3 furlongs and 3 chains or thereabouts in length, wholly in the said parish of St. Mary, Battersea, commencing by a junction with the line of railway of the Company (in this Act called "the Company's Ludgate

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line") which leads from Clapham Junction station to join that part of the Railway No. 3 authorised by "The London, Chatham, and Dover Railway (New Lines) Act, 1864," which belongs to the London, Chatham, and Dover Railway Company, at a point about 5 chains eastward from Falcon Lane Bridge, and terminating immediately to the eastward of Plough Lane:

(c.) A diversion in the said parish of St. Mary, Battersea, of so much of the branch railway of the West London Extension Railway leading from that railway to Clapham Junction station as lies westward of a point thereon about 4 chains eastward from the junction (on or near Falcon Lane Bridge) of that branch railway with the Company's Ludgate line, for the purpose of connecting and so as to connect that branch railway with the railway (Battersea Line No. 2) by this Act authorised.

Interpretation of "parish clerks."

5. 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 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.

Company may close part of their existing railway at Battersea.

6. When and so soon as the railway (Battersea Line No. 2) by this Act authorised has been completed and opened for public traffic, the Company may close for public traffic so much of the Company's Ludgate line as lies to the westward of the point of commencement of the railway (Battersea Line No. 2) by this Act authorised.

Tolls on Battersea lines.

7. The Company may from time to time demand and take in respect of the railways (Battersea Lines Nos. 1 and 2) by this Act authorised for all passengers, animals, and things conveyed thereon, and for carriages, waggons, and trucks respectively conveying the same, and for locomotive engines or other power, and for all services performed by them thereon, and for all other matters with respect to traffic thereon, a like amount of tolls, rates, and other charges as by the several Acts relating to the Company, or any of them, the Company are authorised to demand and take for like traffic, services, and matters on and with respect to the Company's main line of railway, and in like manner and with and subject to like powers

and provisions in all respects as if the said railways by this Act authorised were part of that main line.

Regulating construction of bridges over roads within the limits of the metropolis.

8. In the construction of the Battersea Line No. 1 by this Act authorised, and the works connected therewith, the following rules shall be observed:

(1.) The bridge for carrying the railway over Plough Lane shall be a girder bridge with one clear span of not less than forty feet throughout, measured on the square, and with a clear headway of not less than fifteen feet for the entire width of such bridge, and the said bridge shall be formed of an ornamental character to the reasonable satisfaction of the engineer of the Metropolitan Board of Works, and on the completion of the said bridge the present crossing of Plough Lane on the level shall be discontinued, and on the opening of the railway for public traffic the Company shall for ever thereafter abandon the use of the surface of that lane for the purposes of their undertaking:

(2.) All bridges to be constructed by the Company under the powers of this Act within the limits of the metropolis shall be water-tight, and so constructed as to, so far as is practicable, deaden the sound of engines, carriages, and traffic passing over them:

(3.) The Company shall not commence the erection of any such bridge until they shall have given to the Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same, by leaving such notice at the office of the said board, with plans, elevations, sections, and other necessary particulars of the construction of the said bridges, nor until the said board shall have signified their approval of the same, unless the board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid, in which event the Company may proceed forthwith with the works according to the said plans, elevations, and sections:

(4.) The Company shall comply with and conform to all reasonable directions and regulations of the said board in the execution and subsequent maintenance of the bridges and works connected therewith, and shall save harmless the said Metropolitan Board of Works, and also the Board of Works for the Wandsworth District, against all and every expense to be occasioned thereby, and all such works shall, subject to the provisions of this Act, be done to the reasonable satisfaction of the engineer

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or other officer or officers of the said Metropolitan Board of Works at the costs, charges, and expenses in all respects of the Company, and all costs, charges, and expenses which the said Metropolitan Board may be put to by reason of the works of the Company, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to the said board by the Company on demand.

For protection of sewers of Metropolitan and other boards.

9. Where any of the works to be done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as to interfere with any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Metropolitan Board of Works, or of any district board or vestry constituted under the Metropolis Local Management Act, 1855, the Metropolis Management Amendment Act, 1862, or any Act or Acts amending the same or extending the powers thereof, or with any sewers or works to be made or executed by the said Metropolitan Board, district board, or vestry, or either of them, or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control, the Company shall not commence such work until they shall have given to the said Metropolitan Board, or to the district board or vestry, as the case may be, fourteen days previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of such board or vestry, as the case may be, for the time being, with a plan and section showing the course and inclination thereof, and other necessary particulars relating thereto, nor until such board or vestry respectively shall have signified their approval of the same, unless such board or vestry, as the case may be, do not signify their approval, disapproval, or other directions within fourteen days after service of the said plan, section, and particulars as aforesaid, and the Company shall comply with and conform to all orders, directions, and regulations of the said Metropolitan Board, and of the respective district boards or vestries, in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as such boards or vestries respectively shall reasonably require, for the proper protection of and for preventing any injury or impediment to the sewers and works herein-before referred to by or by reason of the said intended works, or any part thereof, and shall save harmless the said Metropolitan Board, district board, and vestry respectively against all and every the expense to be occasioned thereby, and all such works shall be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Metropolitan Board,

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

As to expenses of maintaining junction with West London Extension Railway.

10. Notwithstanding anything contained in the West London Extension Railway Act, 1859, the expenses, after any interference by the Company under the powers of this Act with the junction existing at the passing of this Act, of maintaining that portion of the junction between the second branch of the West London Extension Railway and the railways of the Company, and of erecting and maintaining from time to time the signals and apparatus and conveniences connected with that junction and situate on the railway belonging to or constructed by the Company, shall be paid and borne by the Company, and after the same event the expense of working the junction, and all reasonable incidental current expenses thereof, shall be paid and borne as to one equal half part thereof by the Company, and as to the other equal half part thereof by the West London Extension Railway Company, and in default of full payment of the last-mentioned equal half part by the West London Extension Railway Company to the Company at the end of every half year the amount due may be recovered with full costs by the Company.

Company to acquire only easements in land of West London Extension Rail-

11. With respect to any land of the West London Extension Railway Company which the Company are by this Act authorised to take, use, or enter upon or interfere with, the Company shall not purchase and take the same, but the Company may purchase and take, and the West London Extension Railway Company may and

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way Company.

shall sell and grant accordingly, an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same.

Saving rights of the West London Extension Railway Company.

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

Saving rights of Metropolitan Board of Works.

13. 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 Metropolitan Board of Works, or the Board of Works for the Wandsworth District, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

Diversion of West London Extension Railway to be made under superintendence of engineer of that railway.

14. The diversion by this Act authorised of the West London Extension Railway, and all works connected therewith, shall be made and completed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the West London Extension Railway Company, and any difference between the two companies with reference thereto shall be determined by a referee to be appointed on the application of either company, but at the expense of the Company, by the Board of Trade.

Diversion of West London Extension Railway to be part of authorised branch of that railway.

15. When and so soon as the diversion by this Act authorised of the West London Extension Railway shall have been made and completed as aforesaid, the railway and works by which such diversion shall be effected shall be by this Act vested in the West London Extension Railway Company, and for the purposes of tolls, rates, and charges, and for all other purposes whatsoever, shall be deemed to be part of the railway authorised by the "West London Extension Railway Act, 1859," and therein called "the second branch," and the junction between the West London Extension Railway and the railway (Battersea Line No. 2) by this Act authorised shall be deemed to be the junction mentioned or referred to in sections 121, 122, and 123 of the last-mentioned Act. All the provisions of those sections shall apply and have effect accordingly.

Company not to interfere with Grant Road.

16. Nothing in this Act shall authorise the Company to enter upon, take, or use, or interfere with any part of the public carriage road known as Grant Road, in the parish of St. Mary, Battersea, in the county of Surrey.

Local rates to be made good.

17. If and while the Company are possessed under this Act of any lands assessed or liable to be assessed to any poor rate, sewers rate, main drainage rate, or general purposes rate, they shall from

time to time, until the railway or the works thereof are completed and assessed or liable to be assessed to the respective rates, be liable to make good the deficiency in the assessment of the respective rates by reason of those lands being taken or used for the purposes of the railway or works, and the deficiency shall be computed according to the rental at which those lands, with any buildings thereon, are now rated, and on demand the Company shall pay the deficiency to the collector of the respective rates.

Company may discontinue part of existing Richmond and Windsor lines rendered useless.

18. At any time after the opening for public traffic of the Battersea Line No. 1 by this Act authorised the Company may abandon and discontinue the user of the whole or any part of the portion of the Richmond and Windsor line aforesaid which lies between the west side of Plough Lane and the termination of the said Battersea Line No. 1, and may sell and dispose of the site of so much of the said Richmond and Windsor line as may be so abandoned and discontinued.

Power to Company to widen their railway near Basingstoke station.

19. Subject to the provisions of this Act, the Company may, in the lines and according to the levels shown on the deposited plans and sections, widen on the south side thereof their main line of railway at and near the point where the same is carried over the turnpike road leading from Basingstoke to Newbury, and over the footway leading from that turnpike road to the public cemetery and to the station of the Great Western Railway Company, and the Company may widen on the south side thereof and otherwise alter the bridges by which the railway is carried over the said turnpike road and footpath respectively, and may provide additional accommodation, sidings, turntables, and other works and conveniences in connexion with their Basingstoke station, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for any of those purposes: Provided always, that such widening and the works connected therewith shall be executed, and the powers of the Company under this Act with reference thereto shall be exercised, subject to the restrictions and on the conditions expressed in the articles of agreement between the Company and the mayor, aldermen, and burgesses of the town of Basingstoke, and scheduled to and confirmed by the Act of 1869, so far as those restrictions and conditions can apply thereto.

Power to make new railway at Poole.

20. Subject to the provisions of this Act, the Company may make and maintain, on the line and according to the levels shown on the deposited plans and sections, the railway in this section described, with all proper stations, sidings, approaches, works, and conveniences

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connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway referred to in this section and authorised by this Act is—

A railway (Railway G) 4½ chains or thereabouts in length, commencing in the parish of St. James, in the town and county of the town of Poole, by a junction with Railway F at or near a point marked on the deposited plans of that railway, referred to in the Act of 1871, as denoting the distance of one furlong from the commencement of that railway, and terminating in the tithing of Longfleet and parish of Canford Magna, in the same town and county and the county of Dorset, or one of them, by a junction with a siding of the Company in their Poole station:

Provided always, that no locomotive, steam engine, or carriage propelled by steam or by atmospheric agency, or by ropes in connexion with a stationary engine, shall be at any time used upon Railway G.

Power to cross a road on the level.

21. 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 Railway G carry the same (with a single line only, whilst that railway shall consist of a single line, and afterwards with a double line only) across and on the level of the public carriage road numbered on the deposited plans of Railway G 8 in the tithing of Longfleet, in the parish of Canford Magna.

Railway G to be in substitution for part of Railway F.

22. Railway G is by this Act, for the purposes of tolls, rates, and charges, and for all other purposes whatsoever, substituted for so much of Railway F as lies between the point of the authorised commencement of Railway F and the junction with that railway of Railway G.

Powers for purchase of lands for and for completion of Railway G limited.

23. The powers of the Company for the compulsory purchase of lands and houses for the purposes of Railway G shall not be exercised after the thirtieth day of June one thousand eight hundred and seventy-four, and the said Railway G shall be completed on or before that day, and after that day the powers by this Act granted to the Company for making that railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Revival of Company's powers for remainder of Railway F.

24. The powers of the Company for the compulsory purchase of lands and houses for the purposes of and for the construction of Railway F (except that part of it for which Railway G is by this

Act substituted) are by this Act revived and may be exercised before or on the thirtieth day of June one thousand eight hundred and seventy-four, but shall not be exercised after that day, and that period shall for all purposes be deemed the period limited by the Act of 1871 for the completion of Railway F.

Company may abandon portions of authorised lines.

25. The Company shall abandon the construction of so much of the Railway F authorised by the Act of 1871 as lies between the authorised commencement of Railway F and the junction with that railway of Railway G by this Act authorised.

Compensation for damage to land by entry, &c. for purposes of railways abandoned.

26. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the "Railways Clauses Consolidation Act, 1845," or the Act of 1871.

Compensation to be made in respect of portions of railways abandoned.

27. Where, before the passing of this Act, any contract may have been entered into or notice given by the Company for the purchasing of any lands for the purposes of or in relation to any portion of the railway or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the "Lands Clauses Consolidation Act, 1845," as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Company to provide accommodation at Poole station for

28. The Company shall, within six months after the passing of this Act, provide and thereafter maintain at and in connexion with their station at Poole, and the tramways connected therewith, adequate accommodation for the reception and forwarding of

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passengers and goods traffic.

passengers and goods traffic at and from that station, and shall receive and forward such passengers and goods traffic at and from such station accordingly; and in the event of any default on the part of the Company as to the due performance by the Company of this obligation, the Board of Trade may, on the application by the mayor, aldermen, and burgesses of the borough of Poole, require the Company to comply with such obligation, and the Company shall forthwith make compliance with the direction of the Board of Trade in that respect.

Saving rights of the Crown in the foreshore.

29. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts 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.

Lands for extraordinary purposes.

30. The Company by agreement from time to time may purchase land for any of the extraordinary purposes specified in "The Railways Clauses Consolidation Act, 1845," but the quantity of land so purchased by them under this Act for those purposes shall not exceed ten acres.

Period for compulsory purchase of lands.

31. The powers of the Company under this Act for the compulsory purchase of lands for purposes other than those of Railway G shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

32. The railways (other than Railway G) and other works by this Act authorised and shown on the deposited plans shall be respectively completed within five years from the passing of this Act, and after that day the powers by this Act granted to the Company for making those respective railways and other works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

Penalty for non-completion of Railways F and G within period limited.

33. After the expiration of the period by this Act limited for the completion of Railways F and G, if they be not then completed, the Company shall be liable to a penalty of fifty pounds a day, to be recoverable as a debt due to the Crown, for every day after the period so limited until the said railways are completed and opened

for public traffic; but no penalty shall accrue in respect of any time during which it appears by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the railways 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.

Penalty for non-completion of railways within time limited.

34. If the Company fail to complete any railway (other than Railway F and Railway G) or work herein-before authorised within the period limited by this Act in that behalf, 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 or work is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the respective railway or work, and the said penalty may be applied for by any landowner or other person claiming to be compensated 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 the 3rd section of the Act 17 and 18 Victoria, chapter 31, known as "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 the said 3rd section of the Act 17 and 18 Victoria, chapter 31, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General with the Court of Chancery in England in the bank and to the account named in such 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 or work 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 penalty.

35. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the respective railway or work, 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

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no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the 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 said 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 Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Power to take lands for additional station accommodation, &c.

36. Subject to the provisions of this Act, the Company may enter upon, take, and use for any purposes of their undertaking the whole or any part or parts of the following lands shown on the deposited plans and described in the deposited books of reference; that is to say,

In the parish of St. Mary, Lambeth, in the county of Surrey, near the Waterloo terminus of the Company's Richmond and Windsor Railway; in the parish of St. Mary, Battersea, in the county of Surrey, in and near Sussex Street, New Road, Battersea; in the parish of Kingston-upon-Thames, in the county of Surrey, near the Surbiton station of the Company; in the parish of Thames Ditton, in the county of Surrey, near the Esher station of the Company; in the parish of St. Nicholas, Guildford, in the county of Surrey, near the Guildford station of the Company; in the parish of Staines, in the county of Middlesex, near the Staines station of the Company; in the parish of Havant, in the county of Southampton, adjoining the Havant station of the London, Brighton, and South Coast Railway Company; in the parishes of South Stoneham and Otterbourne, or one of them, in the county of Southampton, adjoining the Company's main line of railway; in the parish of St. Mary, in the town and county of the town of Southampton, to the eastward of the Southampton station of the Company, and westward of the Royal Crescent, and between

Canute Road and Itchen Bridge Road, and between Itchen Bridge Road and Marsh Lane; in the parish of Ringwood, in the county of Southampton, near the Ringwood station on the Company's Southampton and Dorchester Railway; in the parish of Holdenhurst, in the county of Southampton, near the Bournemouth station on the Ringwood, Christchurch, and Bournemouth Railway; in the parish of St. Martin, Wareham, in the county of Dorset, near the Company's Southampton and Dorchester Railway and their Keysworth ballast pit; in the parishes of Hawkchurch and Thorncombe, in the county of Dorset, or one of them, near the Company's Yeovil and Exeter Railway and their Broom ballast pit; in the parish of Woodsford, in the county of Dorset, and lying on each side of the Company's Woodsford ballast pit, and of their siding leading from that ballast pit to their Southampton and Dorchester Railway; in the parish of Tawstock, in the county of Devon, near the North Devon Railway and the Chapel Town ballast pit; in the parish of Crediton, in the county of Devon, near the Crediton station on the Exeter and Crediton Railway; in the parish of Lapford, in the county of Devon, near the Company's North Devon Railway and the Lapford station thereon;

or the Company may purchase, take, or use by agreement any right, easement (not being an easement of water), or privilege in or affecting those lands, or any of them, without taking any greater estate or interest therein.

Certain lands of the South-eastern Railway Company not to be taken without their consent.

37. Notwithstanding anything in this Act contained, the Company shall not take, use, or enter upon any of the lands situate in the parish of Saint Mary, Lambeth, in the county of Surrey, belonging to or in the possession of the South-eastern Railway Company and shown on the deposited plans and described in the deposited books of reference, and numbered therein respectively 27, 28, and 32, and lying within the distance of 31 feet from the south side of the Charing Cross Railway, without the previous consent of the South-eastern Railway Company in writing under their common seal.

Notice to be given of taking houses of labouring classes.

38. The Company shall, not less than eight weeks before they take in any parish, for any of the purposes of this Act, 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

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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.

Easements, &c. may be granted by incapacitated persons.

39. 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 (not being an easement of water), right, or privilege required for any of the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Act with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Company may divert part of certain public carriage road.

40. Subject to the provisions of this Act, the Company, with the consent of the owner or owners for the time being of the adjoining lands, may, in the line and according to the levels shown on the deposited plans and sections, divert so much of the public carriage road leading from Nursling Mill over the railway of the Company to Redbridge as lies between the point at which that road is carried over the old canal near Weston Bridge and the bridge by which the same road is carried over the railway of the Company, and, with the like consent, may enter upon, take, and use such of the lands shown on the deposited plans as they may require for that purpose.

Site of that part of the road to vest in owners of adjoining lands.

41. The site and soil of the portion to be diverted as aforesaid of the said public carriage road shall be, when the diversion has been made and completed, by this Act vested (freed and discharged from all public and private rights over or affecting the same) in the owner or owners for the time being of the adjoining lands, for the same estate and interest, and upon, under, and subject to the same trusts and conditions, as those for, upon, under, and subject to which such owner or owners then hold the said adjoining lands.

New road to be maintained for twelve months by the Company and then to be a public carriage road.

42. The road to be made by the Company in lieu of the diverted portion of the road shall be made and completed and for twelve months thereafter maintained by the Company in good order and condition, and upon the granting of a certificate by two justices (which certificate any two justices are hereby authorised to give) that the same has been so made, completed, and maintained it shall be by this Act dedicated to the public as a public carriage road, and shall thenceforth be maintained and repaired accordingly.

If Company purchase certain lands

43. If and when the Company shall have purchased the lands in and near Sussex Street, New Road, in the parish of St. Mary,

Battersea, which by this Act they are authorised to purchase, they may stop up and discontinue the easternmost portion of Sussex Street aforesaid, for a length of one hundred and fifty yards, and the site and soil of so much of that street as may be so stopped up and discontinued shall be thereupon by this Act vested in the Company, freed and discharged from all public and private rights over or affecting the same.

in Battersea, Company may stop up part of Sussex Street.

44. All rights of way across or over the Company's railway in the parish of Twickenham, in the county of Middlesex, between the bridge carrying the public road passing in front of Ailsa Park Villas over the railway and a point on the same railway 15 chains measured along that railway in a south-western direction from the same bridge, are by this Act extinguished.

Extinguishing rights of way over part of Company's railway in Twickenham.

45. All public and private rights of way, and all other rights, easements, and privileges over or affecting all or any part of the road now or heretofore known as the St. Lawrence Road, in the parish of St. Mary, in the town and county of the town of Southampton, and extending from Canute Road to Itchen Bridge Road, and over or affecting any other lands in the same parish which by any former Act or by this Act the Company are authorised to acquire, are by this Act extinguished.

Extinguishing rights of way over St. Lawrence Road and other lands at Southampton.

46. The Company shall make full compensation to all parties interested in respect of all private rights of way or other private rights (if any such there be) which by the two last preceding sections, or either of them, are extinguished, and such compensation shall be settled in manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement, and for that purpose any and every right so extinguished shall be deemed to be an interest in land.

Compensation to be made in respect of private rights extinguished.

47. In the exercise of the powers by this Act conferred upon the Company with respect to the taking and using of lands in the parish of St. Mary, Southampton, or interfering with St. Lawrence Road aforesaid, the following provisions for the protection of the Royal Mail Steam Packet Company (herein-after called the Steam Packet Company) shall be binding upon the Company, and full effect shall be given thereto:

For protection of Royal Mail Steam Packet Company.

(1.) The Company shall not, without the previous consent in writing of the Steam Packet Company under their common seal, or their assigns, enter upon and take or use any part of the premises distinguished on the deposited plans by the No. 7, in the parish of St. Mary, Southampton:

(2.) The Company in altering or otherwise interfering with St.

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Lawrence Road shall, unless otherwise agreed to by the Steam Packet Company in manner aforesaid, leave on the east side of that road a roadway extending from the extreme north-westernmost point of the said premises where the same abut on St. Lawrence Road to Canute Road of a width throughout of not less than twenty-six feet:

(3.) The Company shall make to the Steam Packet Company or their assigns of the said premises full compensation for all damage (if any) sustained by that Company or their said assigns, directly or indirectly, by reason or in consequence of the exercise by the Company of any of the above-mentioned powers of this Act:

(4.) The amount of such compensation shall in case of difference be ascertained and determined by Charles Stephenson, of No. 4, Parliament Street, London, or, him failing, by arbitration under the provisions of the "Lands Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration, and all the provisions of that Act, so far as the same are applicable, shall apply to determining the amount of any such compensation, and to enforcing the payment or other satisfaction thereof.

Power to raise further money for purposes of this Act;

48. For any of the purposes of this Act, and for the general purposes of the Company, the Company from time to time may raise by new shares or new stock (whether ordinary or preferential, or both) any sum or sums not exceeding in the whole one hundred and fifty thousand pounds.

And for purposes of sale, &c. of undertaking of the Poole Company.

49. For the purposes of any sale, conveyance, transfer, or lease to the Company of the undertaking or any part of the undertaking of the Poole Company, the Company from time to time may raise by new shares or new stock (whether ordinary or preferential, or both) any sum or sums necessary for those purposes, and may apply the money so raised accordingly, and shall not apply for any other purpose any money so raised: Provided always, that the total amount which the Company from time to time may raise by new shares and borrowing, and by debenture stock respectively, for the purpose of any such sale, conveyance, transfer, or lease shall not exceed the total amount of the authorised capital and debt for the time being of the Poole Company.

Shares not to be issued until one fifth paid.

50. 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.

Calls.

51. 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.

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

52. The provisions of sections 47 to 70 (both inclusive) 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, 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.

53. For any of the purposes of this Act, and for the general purposes of the Company, the Company may from time to time borrow on mortgage (in addition to any sums which they are for the time being authorised to borrow) any sum not exceeding in the whole fifty thousand pounds, and for the purposes of any such lease, sale, transfer, or amalgamation as aforesaid the Company may from time to time borrow on mortgage (in addition to any sums which they are for the time being authorised to borrow) any sums not exceeding in the whole one third of the amount which the Company are for the time being authorised to raise by shares or stock for the purposes of the same lease, sale, transfer, or amalgamation.

Restrictions on borrowing.

54. Provided always, that no sum of money shall be borrowed under the powers of this Act unless and until the capital in respect of which it is 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 capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and 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 shall be sufficient evidence thereof.

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Existing mortgages to have priority.

55. 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 of Company's Acts as to appointment of receiver repealed.

56. The provisions of all former Acts relating to the Company by which the mortgagees of the Company are empowered to enforce payment of principal or interest due on their mortgages by the appointment of a receiver are by this Act repealed, but without prejudice to any appointment heretofore made or proceedings now pending under those provisions, or any of them.

For appointment of receiver.

57. 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.

Interest not to be paid on calls paid up.

58. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided that this Act shall not 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.

59. The Company shall not, out of 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, is required to be deposited in respect of an 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.

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

60. Nothing in this Act contained shall exempt the railways of the Company or of any other 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 or hereafter in force, 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 the Company.

Expenses of Act.

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

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