ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. lxxxix.

An Act for authorizing "the *London and South-western* Railway Company" to abandon the making of Lines of Railway at *Kensington* and *Hammersmith*, and to make other Lines of Railway instead thereof, and to make the "*Chiswick* Curve;" and for other Purposes.

[19th *June* 1865.]

WHEREAS by the *London and South-western, Kensington and Richmond*, Railway Act, 1864, (in this Act called the Act of 1864,) the *London and South-western* Railway Company (in this Act called the Company) were authorized to make and maintain the following Railways (Section 12): 27 & 28 Vict. c. clxvi.

(*a*) Railway (No. 1) commencing by a Junction with the *West London* Railway in or near to the Northern End of the *Kensington* Station on that Railway, and terminating in *Hammersmith* on the Western Side of *Shepherd's Bush Lane:*

(*b*) Railway (No. 3) commencing near to the *Grove* at *Hammersmith*, and terminating at *Richmond:*

(*c*) Railway (No. 4) commencing at the Termination of Railway (No. 1) by a Junction therewith, and terminating at *Hammersmith* by a Junction with the *Hammersmith and City* Railway as proposed to be altered under the Provisions in that Behalf of the reciting Act:

(*d*) Railway (No. 5) commencing by a Junction with the *North and South Western Junction* Railway, and terminating by a Junction with Railway (No. 3):

(*e*) Railway (No. 6) commencing from and out of the *Hammersmith and City* Railway as so proposed to be altered, and terminating in *Hammersmith* on the Eastern Side of the *Grove*:

And Provision was made (Section 15) with respect to the Junction of Railway (No. 1) with the *West London* Railway, and (Sections 31 to 34 inclusive) for the Protection of the *Grand Junction* Waterworks Company (therein and in this Act called the *Grand Junction* Company), and (Section 36) for the Protection of Sewers and Works of the Metropolitan Board of Works and District Boards and Vestries respectively, and (Sections 37 and 38) for the Protection of public Carriage Roads and public Streets in the Metropolis, and (Section 45) for the Determination of divers Matters with respect to the Junctions of the Railways (No. 4) and (No. 6) respectively with the *Hammersmith and City* Railway, and Matters incidental thereto, and (Sections 46 and 47 and 49) with respect to Alterations and Additions to the authorized Line, Levels, and Works of the *Hammersmith and City* Railway; and it was enacted (Section 71) that the Company should apply to Parliament in the Year 1865 for and should use their best Endeavours to obtain an Act authorizing them to make and maintain near to the *Kew* Station on their Loop Line a short curved Line of Railway for connecting their Loop Line and their proposed *Kensington and Richmond* Line, and so as to afford Facilities for the convenient Passage of Trains on those Two Lines between *Kensington* and *Hammersmith* and other Places on the Company's proposed *Kensington and Richmond* Line to the Eastward, and *Brentford* and *Hounslow* and other Places on their Loop Line to the Westward, and the Company should give all such Notices and make all such Deposits and take all such other Measures as are proper for ensuring the Success of the Application: And whereas the Company are desirous and it is expedient that the Company be authorized to abandon the making of the Railways (No. 1) and (No. 4) by the Act of 1864 authorized, and to make and maintain the several Railways (including the short curved Line of Railway near to the *Kew* Station, in this Act called the *Chiswick* Curve,) by this Act authorized: And whereas it is expedient that Provision be made for the User by the Company of the Portion herein-after in that Behalf mentioned

mentioned of the *Hammersmith and City* Railway: And whereas it is expedient that the Provision by this Act made with respect to an Alteration at *Hammersmith* of the authorized Line and Levels of the *Hammersmith and City* Railway be made: And whereas it is expedient that some of the Provisions of the Act of 1864 be made applicable for Purposes of this Act: And whereas Plans and Sections of the intended Railway showing the Lines and Levels thereof respectively, and the Plans also showing the Lands in which the same are intended to be made, and Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County of *Middlesex*, 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 Objects of this Act cannot be attained 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 the 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 for all Purposes be cited as "*South-western, Kensington, and Richmond* Railway Act, 1865."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to Construction of a Railway) and Part III. (relating to Working Agreements) of "The Railway Clauses Act, 1863," (save so far as any of the Sections or Provisions of those Acts and Parts respectively are excepted or varied by this Act,) are incorporated with and form Part of this Act.

Same Meanings to Words in incorporated Acts as in this Act.

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 excluded by the Subject or Context; provided that the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act, shall 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; and the Words "Share" and "Shareholders" include, when requisite, "Stock" and "Stockholders."

Sect. 15 of Act of 1864 repealed.

4. Section 15 of the Act of 1864 is by this Act repealed.

5. The

Power to abandon Railways Nos. 1 and 4 of Act of 1864.

5. The Company shall abandon the making of the Railways No. 1 and No. 4, and the Alteration of the Line and Levels of the *Hammersmith and City* Railway, by the Act of 1864 respectively authorized.

Company to make Compensation for Entry on Lands authorized to be taken for Railways abandoned.

6. The Abandonment by the Company, under the Authority of this Act, of the making of any Railway, shall not prejudice or affect the Right of the Owner or Occupier of any Land which they were authorized to purchase for making the same to receive Compensation from them, in accordance with the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845," for any Damage occasioned by their Entry on the Land for surveying and taking Levels, or probing and boring, or setting out the Line of Railway.

Company to make Compensation for Lands taken for Railways abandoned.

7. Where, before the passing of this Act, any Contract was entered into or Notice given by the Company for purchasing any Land which they were authorized to purchase for making any Railway which they are by this Act authorized to abandon, full Compensation shall be made by the Company to the Owners or Occupiers or other Persons interested in those Lands for all 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 by "The Lands Clauses Consolidation Act, 1845," incorporated with this Act, provided for determining the Amount and Application of Compensation for Lands taken under the Provisions of that Act.

Power to make Works according to deposited Plans.

8. Subject to the Provisions of this Act, the Company from Time to Time may execute and make and maintain the several Railways and Works by this Act authorized in the Lands shown on the deposited Plans and specified in the deposited Books of Reference, and, so far as the Lines and Levels thereof respectively are shown on the deposited Plans and Sections, may make and maintain the same in accordance with the Lines and Levels so shown, and may enter upon, take, and use such of the said Lands as may be necessary for those Purposes.

Works authorized by Act.

9. The Railways and Works which by this Act the Company are authorized to execute and make and maintain comprise the following Railways and Works, and all such Sidings, Stations, Approaches, Bridges, Arches, Buildings, Works, and Conveniences connected with the Railways respectively as the Company from Time to Time think fit; (that is to say,)

1. A Railway (B.) wholly in the Parish of *Saint Peter and Saint Paul, Hammersmith*, commencing at the *Richmond Road* there, and terminating by a Junction with the *Hammersmith and City* Railway:

2. A Railway

2. A Railway (C.) commencing in the Parish of *Saint Mary Abbott, Kensington*, by a Junction with the *West London* Railway, and terminating in the Parish of *Saint Peter and Saint Paul, Hammersmith*, by a Junction with the Railway (B.):

3. A Railway (D.) wholly in the Parish of *Saint Peter and Saint Paul, Hammersmith*, commencing by a Junction with the Railway (B.), and terminating by a Junction with the Railway (No. 3) by the Act of 1864 authorized:

4. The *Chiswick* Curve, being a Railway wholly in the Parish of *Chiswick*, commencing by a Junction with the Railway (No. 3) by the Act of 1864 authorized, and terminating by a Junction with the Company's Loop Line of Railway by the *Windsor, Staines, and South-western* Railway Act (No. 1), 1847, authorized:

5. The altering of the Line and Levels of the *Hammersmith and City* Railway in the Parish of *Saint Peter and Saint Paul, Hammersmith*, commencing at a Point on that Railway Northward of the Southern Termination of the Viaduct of that Railway in that Parish, and terminating at the Termination of that Railway at the *Broadway, Hammersmith*, by "The *Hammersmith and City* Railway Act, 1861," authorized.

Railways (C.) and (E.), &c. substituted for Railways (Nos. 1 and 4), &c., and certain Sections of Act of 1864 to apply accordingly.

10. The Railways (C.) and (B.), and the Alteration of the Line and Levels of the *Hammersmith and City* Railway respectively, by this Act authorized to be made, shall be substituted for the Railways (No. 1) and (No. 4), and the Alteration of the Line and Levels of the *Hammersmith and City* Railway respectively, by the Act of 1864 authorized to be made, and by this Act authorized to be abandoned, and Sections 45, 46, 47, 48, and 49 of the Act of 1864 shall extend and apply to this Act, and to the substituted Railways and Alterations authorized by this Act, as fully and effectually as if such Sections were repeated and re-enacted in this Act with reference to such substituted Railways and Alteration; and the several other Powers and Provisions of the Act of 1864 with respect to the making and maintaining of those Railways (No. 1) and (No. 4) respectively, and Matters connected therewith, including the altering of the Line and Levels of "the *Hammersmith and City* Railway," and Agreements and Arbitrations relating to those Railways and Matters respectively, so far as those Powers and Provisions respectively are applicable and are consistent with this Act, apply to those Railways (C.) and (B.) and the Matters connected therewith, instead of to those Railways (No. 1) and (No. 4) and the Matters connected therewith.

Powers for compulsory Purchases limited.

11. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after Three Years after the passing of this Act.

Land for extraordinary Purposes.

12. The Company, by Agreement, from Time to Time may purchase any Quantity of Land, not exceeding in the whole Five Acres, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Certain Works to be effected to the Satisfaction of Engineer of Hammersmith and City Railway Company.

13. Whereas it is intended to carry the Railway (D.) by this Act authorized under the *Hammersmith and City* Railway: Therefore be it enacted, That all Interference for that Purpose with, or Works for that Purpose affecting, the Railway or Property of the *Hammersmith and City* Railway Company, shall be made under the Superintendence of, and in such Manner as shall be reasonably approved of by, the Engineer for the Time being of the *Hammersmith and City* Railway Company; and any Difference arising thereon shall be determined by an Engineer to be appointed, in case of Difference, by the Board of Trade.

Company only to acquire Easement in Land of Hammersmith and City Railway Company.

14. With respect to any Lands belonging to the *Hammersmith and City* Railway Company which the Company are by this Act authorized to use, enter upon, or interfere with for any of the Purposes of this Act, the Company shall not, except by Agreement, purchase and take the same, but the Company may purchase and take, and the *Hammersmith and City* Railway Company may and shall sell and grant accordingly, an Easement or Right of using the same for any of such Purposes; provided that this Section does not apply to the Portion of the *Hammersmith and City* Railway the Line and Levels of which may under the Powers of this Act be altered.

Company not to interfere with Works, &c. of the Hammersmith and City Railway without Consent.

15. Nothing in this Act contained shall be deemed to authorize the Company, for the Purpose of carrying the Railway (D.) under the *Hammersmith and City* Railway, to take or enter upon any Lands belonging to the *Hammersmith and City* Railway Company, or to alter or interfere with the *Hammersmith and City* Railway, or any of the Works thereof, further or otherwise than is necessary for carrying the Railway (D.) under the *Hammersmith and City* Railway as authorized by this Act, without the previous Consent in Writing in every Instance of the *Hammersmith and City* Railway Company.

Provision relating to Interference with Hammersmith and City Railway.

16. The *Hammersmith and City* Railway Company may recover from the Company full Compensation for any Loss or Inconvenience sustained by them by reason of any Alteration of or Interference with their Railway, or by reason of any Obstruction or Interruption to their Traffic occasioned by the Company in the Exercise of the Power of this Act for constructing the Railway (D.) by this Act authorized.

17. The

Application of Monies of Company for Purposes of Act.

17. The Company may apply for Purposes of this Act any Money from Time to Time raised by them, and not required for any special Purpose for which, by any Act authorizing the raising thereof, it is made applicable.

As to Junction with West London Railway.

18. Except by Agreement, the Junction of the Railway by this Act authorized with the *West London* Railway shall be made only at the Point marked O on a Plan entitled "*West London* Railway, *Kensington* Station," dated the Fourteenth Day of *March* One thousand eight hundred and sixty-five, and signed in Duplicate by *William Baker*, Civil Engineer, acting on behalf of the *London and North-western* Railway Company and of the *Great Western* Railway Company, and by *William Robert Galbraith*, Civil Engineer, acting on behalf of the Company; and, except by Agreement, the Company shall not, under the Powers of this Act, take, use, or enter upon any Part of the Lands or Property of the *West London* Railway Company, the *London and North-western* Railway Company, and the *Great Western* Railway Company, or either of them, save for the Purpose of effecting the said Junction.

Company to provide Footbridge in Chiswick.

19. The Company shall, within the Time by this Act limited for the Construction of the *Chiswick* Curve, make and thereafter maintain a sufficient Bridge for the Use of Foot Passengers passing along the public Way numbered in the Parish of *Chiswick* 112 on the deposited Plans, which public Way is now crossed by the Company's Loop Line of Railway on the Level, and if the *Chiswick* Curve be made across that public Way on the Level, then that Footbridge shall be also made and maintained in like Manner over the *Chiswick* Curve; and if any Difference shall arise between the Company and the *Chiswick* Improvement Commissioners respecting the Construction or Sufficiency of the Bridge, or otherwise with reference thereto, the same shall be settled by an Arbitrator to be appointed by the Board of Trade at the Instance of either of the Parties, and a Bridge shall be made and maintained according to the Decision of such Arbitrator.

Period for Completion of Works.

20. The Railways by this Act authorized shall be completed within Three Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act conferred on the Company with respect to the making of the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Extending Sects. 36, 37, & 38. of the Act of 1864

21. Sections 36, 37, and 38 of the Act of 1864, with reference to the Protection of the Sewers and Works under the Jurisdiction of the Metropolitan Board of Works, and other Parties in those Sections mentioned,

to the Railways and Works by this Act authorized.

mentioned, and the Construction of Bridges and Works for carrying the Railways by that Act authorized over or under the public Roads in those Sections or some or One of them referred to, are applicable to the Sewers and Works under the same respective Jurisdictions which may be interfered with by the Railways and Works by this Act authorized, and to the Construction of the Bridges and Works by this Act authorized over or under any public Road or Street within the Limits of the Metropolis as defined by "The Metropolis Management Amendment Act, 1862."

Penalty for Non-completion of Works within Period limited.

22. After the Expiration of the Period by this Act limited for the Completion of the Railways by this Act authorized, if the same be not then completed the Company shall be liable to a Penalty of Fifty Pounds a Day for every Day after that Peried until the 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 of the Board of Trade, that the Company were prevented from completing or opening the Railways or any Part thereof by unforeseen Accident or Circumstances beyond their own Control, provided that the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Tolls on Railways made under Act.

23. The Company from Time to Time may demand and take in respect of the User of the Railways by this Act authorized, and for all Passengers, Animals, and Things conveyed thereon, and for Carriages, Waggons, and Trucks respectively conveying the same, and for Locomotive Engines and other Power, and for all Services performed by the Company thereon, and for all other Matters with respect to the User thereof and Traffic thereon, a like Amount of Tolls, Fares, Rates, and other Charges as by the several Acts relating to the Company, or any of them, they are authorized to demand and take for like User, Traffic Services, and Matters on and with respect to their Main Line of Railway, and with and subject to like Powers and Provisions in all respects as if the Railways by this Act authorized were Part of that Main Line.

Limitation of maximum Charges.

24. Provided, That the maximum Charges made by the Company with respect to the Tolls, Fares, Rates, and Charges for the User of or Conveyance on the Railways by this Act authorized, and for Carriages, Waggons, and Trucks, and for Locomotive Engines or other Power, and every Expense incidental to the Conveyance of Traffic on the same respectively, shall not in any Case to which the Limitation of maximum Charges is applicable exceed the Sums in that Behalf limited by the Acts from Time to Time in accordance with this Act in force with respect to the Company's Main Line of Railway, and applicable in that Behalf.

25. With

Tolls on Railways worked under Act by Company.

25. With respect to the several Portions of Railway over which the Company under this Act from Time to Time work, the Company from Time to Time may demand and take for all Passengers, Animals, and Things conveyed by them 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, Fares, Rates, and other Charges as by the Acts relating to the respective Portion of Railway, or any of them, are authorized to be demanded and taken for the same respectively, and in like Manner and subject to like Provisions, including, where applicable, any Limitation of maximum Charges.

Power to Company to work over Part of Hammersmith and City Railway.

26. Section 51 of the Act of 1864 shall be and the same is hereby repealed, and the Company from Time to Time may run over, work, and use so much of the *Hammersmith and City* Railway to the Southward of the Point of the Junction therewith of Railway (B.) by this Act authorized as may be necessary for affording to the Company direct Access over the *Hammersmith and City* Railway to the Railway (No. 6) by the Act of 1864 authorized.

Powers incidental to Powers of working over those Portions of Railways.

27. The several Powers of running over, working, and using a Portion of the *Hammersmith and City* Railway by this Act conferred on the Company include Powers for them to make, and to run over, work, and use, all such Sidings, Stations, Buildings, Offices, Approaches, Water Supplies, Telegraphs, Signals, Machinery, Works, and Conveniences on or connected or used with that Portion of Railway as the Company from Time to Time think fit.

Terms of Exercise of those Powers.

28. The Company from Time to Time may exercise their Powers of running over, working, and using that Portion of the *Hammersmith and City* Railway, with their Engines, Carriages, Waggons, and Trucks, and their Officers and Servants, and for Traffic of all Kinds, and for such Payments, and on such Terms, pecuniary and otherwise, and Conditions, as the Company from Time to Time agree on, or as, failing Agreement, are from Time to Time, on their or either of their Demand, determined by Arbitration under "The Railway Companies Arbitration Act, 1859;" provided that those Powers shall be subject to the Byelaws and Regulations of the *Hammersmith and City* Railway Company.

Providing for Interchange of Traffic with Hammersmith and City Railway.

29. And whereas it is expedient that Provision should be made for enabling a convenient Interchange of Traffic requiring to pass to or from the Railways of the Company by the Act of 1864 and this Act authorized from or to the *Hammersmith and City* Railway, and in

in order thereto it was by the Act of 1864 (Section 45) provided that a Station, in this Act called "the Interchange Station," in which the Company and the *Hammersmith and City* Company should have a Mutuality and Community of Interest, should be made by and belong to the Company and the *Hammersmith and City* Company jointly at or near the respective Junctions with the *Hammersmith and City* Railway of the Railways (No. 4) and (No. 6) authorized by the Act of 1864; and Provision was in the same Section of that Act made as to the maintaining, using, working, and regulating that Station, and divers other Matters, but no Provision was thereby made for the stopping at or in the Interchange Station of any of the Trains worked from Time to Time over the Railways of the Company and the *Hammersmith and City* Railway respectively, and it is expedient to secure the Accommodation of the Public in that Behalf, and also with reference to the working by the Company of Trains over that Part of the *Hammersmith and City* Railway, herein-after called "the Intermediate Railway," situate between the Junctions therewith of the Railway (No. 6) authorized by the Act of 1864 and the Junction therewith of the Railway (B.) authorized by this Act: Therefore the Company shall from Time to Time run and work over the Intermediate Railway, and through the Junctions therewith, such and so many of the entire Number of their Trains from Time to Time passing daily through *Hammersmith* as shall be from Time to Time agreed upon between the Company and the Company or Companies then working Traffic over the *Hammersmith and City* Railway, and, failing Agreement, as shall be determined at the Instance of the Company and the other Company or Companies, or any of them, by the Board of Trade, and the Company may from Time to Time run and work the Remainder of that entire Number of daily Trains over the Railway (D.) by this Act authorized; and in order to facilitate the Interchange of Traffic at or in the Interchange Station the Company from Time to Time shall stop, for the Purpose of taking up and setting down in that Station Passengers coming from or going to the Trains on the *Hammersmith and City* Railway, such and so many of that entire Number of daily Trains as shall from Time to Time be so agreed upon, or, failing Agreement, as shall from Time to Time be so determined: Provided always, that, notwithstanding any Determination of the Board of Trade in the Premises, the same shall not oblige the Company to run or work any greater Number of their daily Trains over the Intermediate Railway than the Number of Trains run or worked over it by the Company or Companies working on the *Hammersmith and City* Railway, and from Time to Time stopping at the Interchange Station with a view to correspond with the Trains of the Company stopping there, nor shall any such Determination oblige the Company to stop any greater Number of their daily Trains at or in the Interchange Station than the Number of

Trains

Trains daily run or worked on the *Hammersmith and City* Railway, and from Time to Time stopping at the Interchange Station with a view to Correspondence with the Trains of the Company stopping there.

Saving Rights of Companies, &c.

30. Except as is by this Act otherwise expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Privileges of the Company, or of the *Hammersmith and City* Railway Company, or of the *West London* Railway, or of the *West London Extension* Railway Company, or of any other Railway Company named in the Act of 1864, or of any Commissioners, Vestry, District Board, or other Body named in that Act.

Interest on Calls paid not to be paid out of Capital.

31. The Company or any other Railway Company to which this Act relates shall not, out of any Money by this or any other Act relating to the respective Company authorized to be raised by them by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of Shares held by him: Provided that the respective Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

Deposit not to be paid out of Capital.

32. The Company or any other Railway Company to which this Act relates shall not, out of any Money by this Act or any other Act relating to the respective Company authorized to be raised by them by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for an Act authorizing the respective Company to construct any Railway, or execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

33. This Act or anything therein shall not exempt any Railway to which this Act relates from the Provisions of any General Act now or herein-after in force relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Charges by this or any other Act relating to the respective Railway authorized, or the Rates for small Parcels thereby authorized.

34. All

Expenses of Act.

34. All the Costs, Charges, and Expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be borne and paid by the Company.

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