

**CHAPTER cclv.**

An Act for making a Railway from Charing Cross to the Waterloo Station of the London and South-western Railway to be called the Charing Cross and Waterloo Electric Railway and for other purposes. [18th August 1882.]

A.D. 1882.

WHEREAS the construction of the railway herein-after described would be of public and local advantage :

And whereas the persons herein-after named with others are willing to carry the undertaking into execution and it is expedient that they be incorporated into a company and that the requisite powers be conferred upon them :

And whereas it is expedient that the Company and the other companies in that behalf in this Act mentioned be empowered to enter into and carry into effect agreements as herein-after provided :

And whereas plans and sections showing the lines and levels of the railway authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the counties of Middlesex and Surrey and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same (as follows) :—

1. This Act may be cited as the Charing Cross and Waterloo Electric Railway Act 1882. Short title.

2. The Companies Clauses Consolidation Act 1845 Part I. Incorporation of Acts.
(relating to cancellation and surrender of shares) and Part III.

A.D. 1882.

[Ch. cclv.]

Charing Cross and Waterloo Electric Railway Act, 1882. [45 & 46 VICT.]

8 & 9 Vict. c. 16.
26 & 27 Vict.
c. 118.
32 & 33 Vict.
c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict.
c. 92.

Interpreta-
tion.

(relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to 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.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act. The expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company
incorporated.

4. Sir Henry Whatley Tyler and John Francis Holcombe Read and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Charing Cross and Waterloo Electric Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to
make rail-
way.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches yards buildings works and conveniences 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 herein-before referred to and authorised by this Act is as follows:—

1. A railway five furlongs two chains in length commencing in the parish of St. Martin-in-the-Fields in the county of Middle-

sex in the street or place known as Charing Cross at or near the north-western end of Northumberland Avenue and terminating in the parish of St. Mary Lambeth in the county of Surrey at or near the arch numbered 255 under the loop line station of the Waterloo terminus. A.D. 1882.

6. The capital of the Company shall be one hundred thousand pounds in ten thousand shares of ten pounds each. Capital.

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

8. 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 fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

9. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

10. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share. Power to divide shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) first in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay Dividends on half shares.

A.D. 1882. any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

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

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

Half shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share shall be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

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

Preferred shares not to be cancelled or surrendered.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

17. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall

confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

A.D. 1882.

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

Power to
borrow.

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

For appoint-
ment of a
receiver.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari

Debenture
stock.

A.D. 1882. — passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages are authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys. **21.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting. **22.** The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act.

Number of directors. **23.** The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors. **24.** The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum. **25.** The quorum of a meeting of directors shall be three and if the number of directors be reduced to three the quorum shall be two.

First directors. **26.** Sir Henry Whatley Tyler John Francis Holcombe Read and three other persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors. **27.** The powers of the Company for the compulsory purchase of land for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

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

A.D. 1882.

Power to
take ease-
ments &c.
by agree-
ment.

29. In making the railway the Company may subject to the provisions of this Act and except as provided by certain articles of agreement dated the thirteenth day of May one thousand eight hundred and eighty-two and made between the Queen's most Excellent Majesty of the first part the Honorable Charles Alexander Gore of the second part and Sir Henry Whatley Tyler and John Francis Holcombe Read of the third part deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet save where a greater deviation is necessary for avoiding interference with any sewer water main gas main or other work and then to such an extent as is necessary for avoiding interference therewith.

Lateral and
vertical
deviations.

30. And whereas in order to avoid injury to the houses cellars and buildings within one hundred feet of the railway it may be necessary to underpin or otherwise strengthen the same Be it enacted that the Company may at their own costs and charges underpin or otherwise strengthen any such house cellar or building Provided that at least ten days' notice shall (unless in case of emergency) be given to the owner lessee and occupier of the house cellar or building intended to be underpinned or otherwise strengthened (each such notice to be left on the premises) and that the Company shall be liable to compensate the owner lessee and occupier of every such house cellar or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment Provided also that if the owner lessee or occupier of any such house cellar or building shall give within seven days after that notice counter-notice in writing that he disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to a civil engineer to be appointed at the instance of either party by the

Company
empowered
to underpin
or otherwise
strengthen
houses, &c.
near railway.

A.D. 1882. President of the Board of Trade for the time being and such referee shall forthwith upon the application of either party proceed to inspect such house cellar or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may in his discretion prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house cellar or building and the cost of such referee shall be paid by the Company and the cost of the reference (other than the cost of the referee) shall be in the discretion of the referee.

Company may acquire easements only under roads &c. and purchase cellars &c.

31. With respect to any lands which the Company is by the provisions of this Act authorised to enter on take and use for the purposes of the railway and works and which are in or under the roadway or footway of any street road or highway the Company shall not be required wholly to take those lands or any part of the surface thereof or any cellar vault or other construction therein or thereunder held or connected with any house in any such street road or highway but the Company may appropriate and use the subsoil and under surface of any such roadway or footway and if need be they may purchase take and use and the owners of and other persons interested in any such vault cellar or arches shall sell the same for the purposes of the railway and works and the purchase of any such cellar vault or construction shall not in any case be deemed the purchase of a part of a house or other building or manufactory within section ninety-two of the Lands Clauses Consolidation Act 1845.

Provisions as to underpinning &c. and acquiring easements only under roads &c. not to relieve Company from compensation &c.

32. Nothing contained in the two last foregoing sections nor any dealing with the lands in pursuance of those sections or either of them shall relieve the Company from the liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other enactment and every case of compensation to be ascertained under this Act shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845.

For the protection of the trustees of the Society for Promoting Christian Knowledge.

33. For the protection of the trustees of the Society for Promoting Christian Knowledge (registered) herein-after referred to as "the society" the following provisions shall have effect (that is to say) :—

- (a) The Company shall not without the previous consent in writing of the society enter upon take or use the property shown on the deposited plans and thereon numbered 5 in the parish of St. Martin-in-the-Fields ;

(b) The Company shall construct their tunnel and railway and the works incidental thereto in such wise that no part thereof shall be nearer than seventeen feet from the outside face of the main wall of the society's building And the foundation of the works as aforesaid shall not where opposite to the said building be carried to a greater depth than thirty-three feet below the surface of the highway known as Northumberland Avenue;

A.D. 1882.

(c) The Company shall make to the society or other the owner lessee or occupier for the time being of the said property full compensation for any damage structural or otherwise or depreciation in value caused to the said property or sustained by such owner lessee or occupier by vibration or otherwise caused by reason of the construction maintenance or working of the railway or works connected therewith and the amount of such compensation shall be ascertained and determined in the manner provided by the Lands Clauses Consolidation Act 1845 with reference to the settlement of questions of disputed compensation in respect of lands injuriously affected;

(d) The Company shall not construct within a distance of fifty yards on either side of the property marked No. 5 in the parish of Saint Martin-in-the-Fields shown on the deposited plans any opening for the ventilation of the railway authorised by this Act.

34. The Company shall not in the construction of the railway alter or interfere with the surface of the Victoria Embankment or Northumberland Avenue or any part of the roadway or footway thereon respectively to any greater extent at any one time than for a space of not exceeding eight feet in width without the consent in writing of the Metropolitan Board of Works and of such length as the Board may approve in writing and the Company shall comply with and conform to all regulations and orders of the Metropolitan Board of Works with regard to the manner in which and the time or times at which any such alteration or interference shall be effected.

Limiting extent of interference with road and footway on Victoria Embankment and Northumberland Avenue.

35. The Company may purchase and take a perpetual easement or right of constructing subject to the provisions of this Act beneath the Victoria Embankment and Northumberland Avenue so much of the railway as will be northward of the Thames and the Metropolitan Board of Works shall (so far as they legally can) grant to the Company a perpetual easement or right for that purpose and there shall be paid by the Company to the Metropolitan Board of Works as and for the purchase money of such easement or right for

Easement under Victoria Embankment and Northumberland Avenue.

A.D. 1882. the purpose aforesaid as they may lawfully grant the sum of one thousand five hundred pounds which sum shall be paid to the said Board by the Company before the Company enter upon or interfere with any part of the said embankment or avenue Notwithstanding anything in this Act contained the Company shall not be entitled to acquire or take any title or right in or to any part of the said embankment or avenue other than an easement or right of constructing the said railway subject to the provisions of this Act.

Manner of constructing part of railway.

36. So much of the said railway as will be made northward of the Thames shall be constructed in a tunnel the dimensions and position of which shall be determined by the Metropolitan Board of Works but the discretion of the Board shall be exercised reasonably and not so as to prevent the carrying out of the undertaking.

Buildings northward of river to be approved by Metropolitan Board of Works.

37. The Company shall not erect upon any part of the land northward of the River Thames or on any part of the land in the county of Middlesex which may be acquired by them under the powers of this Act any building or erection except with materials and of an elevation and design which shall have been previously approved in writing on behalf of the Metropolitan Board of Works.

Prohibiting placards and advertisements.

38. The Company shall not exhibit or permit to be exhibited upon any part of their premises within view of any public street within the metropolis any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the Metropolitan Board of Works.

Limiting locomotive power.

39. The Company shall not be entitled to use steam power upon the railway nor any mechanical motive power other than such as can be provided by electric means or apparatus.

For protection of the Gas Light and Coke Company.

40. For the protection of the Gas Light and Coke Company (herein-after referred to as "the gas company") the following provisions shall have effect that is to say:—

(a) Whereas in execution of the works by this Act authorised the mains pipes syphons and other works belonging to the gas company may be intersected or otherwise interfered with and it is expedient that the gas company should have full control over the execution of all works in any way affecting the supply by them of gas so as effectually to provide against the supply thereof being impeded.

Therefore all works matters or things which under the provisions of the Railways Clauses Consolidation Act 1845 or this Act the Company may be empowered or required to do or execute with reference to the mains pipes syphons or other works of the gas company shall be done and executed by and at the

cost of the Company but to the reasonable satisfaction and under the direction of and in such manner as shall be required by the engineer for the time being of the gas company and such works matters or other things shall not be commenced until after fourteen days' previous notice thereof in writing shall have been given to the gas company Provided always that if the gas company shall elect themselves to execute any portion of the works matters and things which the Company may by this Act be empowered or required to do or exercise with reference to or affecting the mains pipes syphons apparatus or other works of the gas company and of such their election shall give seven days' notice in writing to the Company by leaving the same at their head office the gas company may themselves execute that portion of the said works matters and things and the reasonable expense of and incident to the executing the same shall be repaid by the Company to the gas company on demand and such expense may be recovered from the Company in any court of competent jurisdiction. A.D. 1882.

(b) And whereas there are divers mains pipes syphons and other apparatus belonging to the gas company in divers streets highways roads footpaths lanes courts passages and other places within the limits shown on the deposited plans which are now used by the gas company for supplying gas to the streets highways roads footpaths lanes courts passages and other places as aforesaid and such streets or other places or some of them will or may be done away with under the powers of this Act Therefore when the Company for any purposes of this Act take any of those mains pipes syphons or other apparatus they shall pay to the gas company the value thereof and the same shall thereupon become the property of the Company and the Company shall also pay to the gas company their reasonable charges of removing or altering any of the mains pipes syphons or other apparatus in immediate communication therewith which the works of the Company shall render useless or which shall require to be altered.

(c) If any interruption whatsoever in the supply of gas by the gas company or any loss of gas shall be in any way occasioned to or sustained by any act or omission of the Company or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to the gas company for such interruption for the use and benefit of the gas company the sum of ten pounds for every hour during which such interrup-

A.D. 1882.

tion shall continue and in addition shall pay to the gas company the value of the gas so lost such sum or sums of money to be recovered by the gas company in any court of competent jurisdiction. If the Company shall find it necessary to undermine but not otherwise alter the position of any main pipe syphon or other works belonging to the gas company they shall temporarily support the same in its position during the execution of their works and on their completion shall provide a good and suitable foundation for every main pipe syphon or other work so undermined.

(d) It shall be lawful for the gas company and the engineer workmen and others in their employment at all times when it may be necessary to enter upon the railway lands and premises of the Company for the purpose of laying and to lay any mains or pipes over the said railway lands works and premises or any part thereof and to do all such works in and upon such railway lands and premises as may be necessary for laying repairing and maintaining or removing or replacing such mains or pipes over the same railway lands and premises. Provided that the gas company shall not lay any mains or pipes in or under the tunnel through which the railway may be constructed nor in or under the platform or other works of the stations of the Company. Provided always that in so doing the gas company shall not interrupt the traffic passing on the said railway in any manner. Provided also that the expense of all repairs or renewals of the said pipes or mains or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Company their contractors agents workmen or servants or any person in their employ shall be borne and paid by the Company and may be recovered against them by the gas company in any court of competent jurisdiction.

(e) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company or to any of their mains pipes syphons apparatus property works and conveniences or in the supply of gas by the gas company or otherwise by reason of the execution or failure of any of the intended works or of any act or omission of the Company or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Company will effectually indemnify and hold

harmless the gas company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission.

A.D. 1882.

Any difference arising between the Company and the gas company respecting any of the matters referred to in this enactment shall be settled by arbitration pursuant to the Railways Clauses Consolidation Act 1845.

41. The following provisions for the protection of the Metropolitan District Railway Company herein referred to as the District Company shall be observed and carried into effect that is to say:—

For protection of Metropolitan District Railway Company. The Company not to interfere with District Railway without consent.

1. The Company shall not take or enter upon or use either temporarily or permanently any of the lands of the District Company occupied by their railways or stations or alter vary or interfere with the railway or stations of the District Company or any of the works connected therewith without the previous consent in writing in every instance of the District Company under their common seal and with respect to any lands of that Company which the Company may by consent of the District Company be authorised to use enter upon or interfere with they shall not purchase and take the same but they may purchase and the District Company shall sell or grant accordingly an easement or right of using the same in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same :

2. The railway by this Act authorised shall not where it is under the railway of the District Company and within the distance of fifty yards on each side thereof be constructed for more than two lines of way of an electric railway unless with the previous consent in writing of the District Company and shall be constructed according to plans and specifications to be previously approved by the engineer for the time being of the District Company and under his superintendence and control and the Company shall pay the reasonable charges and expenses of the District Company and of their engineer :

Provisions as to construction of railway under and near District Railway.

3. The Company shall from time to time be responsible for and make good to the District Company all costs losses damages and expenses from time to time occasioned to that Company or any of their works or property or the traffic on their railway or to any company or companies person or persons using the same railway or works or otherwise by reason of the execution or failure of any of the works of or incidental to the construction or maintenance of the railway by this Act authorised or any act or omission of the Company or any of the persons

The Company to pay all damages sustained by the District Company.

A.D. 1882.

in their employ or their contractors or others and the Company shall effectually indemnify and hold harmless the District Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission :

Penalty in case of interruption of traffic on District Railway.

4. If by reason of any works or proceedings of the Company there shall be an obstruction of or interference with the railway or works of the District Company so as to prevent the convenient passage at all times of engines and carriages along the same the Company shall pay to the District Company the sum of two hundred pounds and further shall pay the sum of one hundred pounds by way of further ascertained damages for every hour and part of an hour during which the obstruction or interference continues :

The Company to pay the District Company the expenses of watchmen during the construction of the works.

5. The Company shall bear and on demand pay to the District Company the expenses of the employment by them during the construction of the works by this Act authorised within fifty yards of each side of the railway and works of the District Company of a sufficient number of inspectors signalmen and watchmen to be appointed by them for watching their railways and works with reference to and during the execution of the works by this Act authorised and for preventing as far as may be all interference danger or accident to arise from any of the operations or from the acts or defaults of any persons or person in the employ of the Company with reference thereto or otherwise but the appointment of inspectors signalmen and watchmen as aforesaid shall not absolve the Company from their liability as aforesaid :

Company to maintain works carrying railway under District Railway.

6. The Company shall at their sole expense at all times maintain the works by which the railway by this Act authorised shall be carried under the railway of the District Company in substantial repair and good order and condition to the satisfaction in all respects of the engineer for the time being of the District Company and if and whenever the Company fail so to do after one month's notice from the District Company for that purpose or in case of urgency the District Company may make and do in and upon as well the land of the Company as their own lands all such works and things as the District Company shall think requisite in that behalf and the sum from time to time certified by their engineer to be the amount of the expenditure in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the District

Company from the Company in any court of competent jurisdiction : A.D. 1882.

7. If any difference or dispute shall arise between the engineer of the Company and the engineer of the District Company as to the execution of the works to be done by the Company under the powers of this Act the same shall be from time to time referred to and settled by an engineer to be agreed upon between the Company and the District Company or in case of difference to be appointed on the application of either Company by the President for the time being of the Institute of Civil Engineers and the costs of such arbitration shall be in the discretion of the arbitrator. For settle-
ment of dis-
putes.

42. The railway by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall if constructed be executed according to a plan and elevation to be approved by the Conservators of the River Thames and deposited at their office and the works in the River Thames shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the Conservators and the traffic of the said River Thames shall not be interfered with more than may be absolutely necessary in the construction of the railway and the works connected therewith and the Company shall within fourteen days after notice from the Conservators so to do remove any temporary works or materials for temporary works which may have been placed in the river by the Company and on their failing to do so the Conservators may remove the same charging the Company with the expense of so doing and the Company shall forthwith repay to the Conservators all expenses so incurred. Works on
River
Thames to
be executed
under direc-
tion of Con-
servators.

43. The Company shall not make or commence any work on the shore or the bed of the River Thames without the consent of the Conservators of the River Thames until the expiration of one calendar month after notice to the Conservators of the River Thames. Company not
to commence
any work on
shore of
Thames until
notice given
to Conserva-
tors.

44. Nothing in this Act contained shall authorise or empower the Company to embark or encroach upon or interfere with any part of the soil or bed of the River Thames or the shore thereof except according to a plan to be approved by the Conservators and deposited in their office. Company not
to interfere
with the bed
of the river.

45. The Company shall not (except as far as shall be necessary in the construction of the said railway and the works connected therewith) take any gravel soil or other material from the bed of the river without the previous consent of the Conservators Company not
to take
gravel &c.
from river
without con-
sent of Con-
servators.

A.D. 1882. of the River Thames signified in writing under the hand of their secretary.

Powers of Act not to affect the Thames Conservators.

46. The Company shall not in the construction or maintenance of the subway permanently erect any works on the bed of the River Thames and no part of the subway shall be constructed at a less depth below the bed of the said river than is shown upon the deposited sections.

Saving rights of Conservators of the River Thames.

47. Except as herein expressly provided nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates rights interests liberties privileges or franchises of the Conservators of the River Thames or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of this Act the said Conservators did or might lawfully claim use or exercise.

Lights to be exhibited.

48. During the making of the works authorised by this Act abutting or projecting into the River Thames the Company shall hang out or exhibit thereat or near thereto every night from sunset to sunrise lights to be kept burning by and at the expense of the Company and proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Company in such manner and be of such kind and number and be so placed and used as the Conservators of the River Thames by writing under the hand of their secretary shall approve and in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds.

In case works abandoned.

49. If any work so constructed by the Company in the River Thames or if any portion of any work to be made by the Company which affects or may affect the River Thames or the access thereto be abandoned or suffered to fall into disuse or decay the Board of Trade or the Conservators of the River Thames may abate and remove the same or such part thereof as they think fit and restore the site thereof to its former condition at the cost of the Company and the amount thereof shall be a debt due from the Company to the said Conservators and be recoverable accordingly as such with costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Company.

For protection of Thames Embankment roads and sewers.

50. Where any of the intended works to be done under or by virtue of this Act shall in any way interfere with or affect the Thames Embankment or the works thereof or in connexion therewith or shall or may pass over under or by the side of or so as to interfere with any street road sewer drain watercourse defence or work under the jurisdiction or control of the Metropolitan Board of

Works or of any vestry or district board constituted under the Metropolis 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 boards or vestry or either of them or shall or may in any way affect the streets roads sewerage or drainage of the districts under their or either of their control the Company shall not commence such work until they have given to the said Metropolitan Board or to the district board or vestry as the case may be twenty-one days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such board or vestry respectively shall have signified their approval of the same unless such board or vestry as the case may be do not signify their approval disapproval or other directions within twenty-one days after service of the said plan sections 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 boards or vestries in the execution of the said works and shall provide by new altered or substituted and temporary works in such manner as such board or vestry respectively may deem necessary for the proper protection of and preventing injury or impediment to the Thames Embankment and the streets roads 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 and temporary 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 boards and

A.D. 1882.
18 & 19 Vict.
c. 120.
25 & 26 Vict.
c. 102.

A.D. 1882. vestries respectively as the case may be as any streets roads 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.

Company to make good parochial rates until works are assessed.

51. If and while the Company are possessed under this Act of any lands assessed or liable to be assessed to any 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 for 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.

Any paving metalling or material excavated or displaced by the Company in the construction of their works from any street or road under the jurisdiction or control of the vestry of Lambeth and not used in relaying the paving of the same street or road and all paving metalling or material at present laid down in any street or road under the jurisdiction of the vestry of Lambeth taken by the Company under the powers of this Act shall be the property of the said vestry and the Company shall when and as required deliver the said paving metalling and material to the surveyor for the time being of the said vestry or to such person or persons and at such place or places as the said surveyor may direct.

For protection of London and South-western Railway Company.

52. Notwithstanding anything in this Act contained the Company shall not take enter upon or use any land of the London and South-western Railway Company herein-after called the South-western Company but shall be at liberty to acquire an easement for their railway station and works in and through such lands.

Any station and works to be erected or constructed on land belonging to or occupied by the South-western Company shall be constructed according to such plans elevations specifications and working drawings and at such levels and in such course and direction as shall have been previously submitted to and approved in writing by the chief engineer of that Company and the Company shall from time to time add to or strengthen such works as may be necessary for and the mode of construction shall be such as to

permit at any time hereafter of the widening of the railway or the extension of the station of the South-western Company or the execution of any works in connexion with that railway and station or incidental thereto and so that in the execution of their works the Company shall cause as little interference as possible with lands and houses of the South-western Company.

A.D. 1882.

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

Company to give notice before taking dwellings of labouring classes.

54. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless the Company and such person or persons otherwise agree) provide sufficient accommodation elsewhere for such person or persons and they may contribute towards the costs or expenses of erecting or providing houses or buildings for such accommodation by any company body or person. Provided always that if any question arises as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may apply for the purposes of this section any moneys they are empowered to raise under the authority of this Act.

Company to provide accommodation for persons of the labouring classes to be displaced.

55. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of four thousand and twenty-one pounds Consolidated Three per Centum Annuities being equal to five per centum upon the amount of the estimate in respect of the railway has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund. Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons

Deposit fund not to be repaid except so far as railway opened.

A.D. 1882. survivors or survivor are in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit
fund.

56. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London 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 railway or any portion thereof or who 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 Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund 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 Chancery Division 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 Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for
completion
of works.

57. If the railway is 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 railway or otherwise in relation thereto shall cease to be exercised except to so much thereof as is then completed. A.D. 1882.

58. It shall be lawful for the Company to levy and demand for the use of the railways or of any part of the railways and of carriages and locomotive power sums not exceeding the following that is to say:— Tolls

For every passenger conveyed in or upon a first-class carriage sixpence;

For every passenger conveyed in or upon a second-class carriage fourpence;

For every passenger conveyed in or upon a third-class carriage threepence;

For parcels not exceeding seven pounds in weight twopence;

For parcels exceeding seven pounds but not exceeding fourteen pounds in weight threepence;

For parcels exceeding fourteen pounds but not exceeding twenty-eight pounds in weight fourpence;

For parcels exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight sixpence;

For parcels or goods exceeding fifty-six pounds in weight such sum as the Company think fit.

59. Every passenger travelling upon the railways may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof. Passengers luggage.

60. Except as provided by the said articles of agreement of the thirteenth day of May one thousand eight hundred and eighty-two 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 whatever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods and Forests and Land Revenues or either of them nor 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. Saving rights of the Crown.

61. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him Interest not to be paid on calls paid up.

A.D. 1882. 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.

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

Provision as
to general
Railway
Acts.

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

Costs of Act.

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