



CHAPTER cviii.

An Act for authorising the construction of a railway between Harrow and Stanmore, in the county of Middlesex, to be called the Harrow and Stanmore Railway; and for other purposes. A.D. 1886.
[25th June 1886.]

WHEREAS the construction of the railway and works 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 the requisite powers conferred upon them:

And whereas it is expedient that the Company so to be incorporated (in this Act called "the Company") should be empowered to pay interest out of capital as herein-after provided:

And whereas plans and sections showing the line 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 clerk of the peace for the county of Middlesex, 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 Harrow and Stanmore Railway Act 1886. Short title.

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Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (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, as amended by the Lands Clauses (Umpire) Act 1883 (herein-after referred to as "the Lands Clauses Acts"), 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.

Interpretation.

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 expressions "the railway," "the railways," and "the undertaking," mean respectively the railway and 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. Frederick Gordon, Edward Hegley Byas, John Pound, Charles Edward Keyser, 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 Harrow and Stanmore 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 railways.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, junctions, approaches, works and conveniences connected therewith, and may enter upon, take and use such of the lands delineated on the said plans and

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described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act will be wholly situate in the county of Middlesex, and are:—

(1.) A Railway (No. 1), one furlong 7·25 chains in length, situate wholly in the parish of Harrow-on-the-Hill, commencing at a point thirty yards, or thereabouts, measured in a north-westerly direction from the centre of the northernmost arch of the bridge carrying the public road leading from Harrow to Watford over the London and North-western Railway near Harrow Station, and terminating in the field numbered 467 on the 25-inch ordnance map, at a point three hundred and thirty-three yards, or thereabouts, measured in a south-easterly direction from the centre of the said bridge, and sixty yards, or thereabouts, measured in a north-easterly direction from the northernmost rail of the London and North-western Railway;

(2.) A railway (on the deposited plans and sections and hereinafter called Railway No. 3), two miles three furlongs in length, commencing in the parish of Harrow-on-the-Hill at the termination of Railway No. 1, herein-before described, and terminating in the parish of Great Stanmore on the west side of the public road known as Green Lane, at a point one hundred and ninety yards, or thereabouts, measured in a northerly direction from the northernmost corner of St. John's Church.

6. The capital of the Company shall be sixty thousand pounds in six 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. 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.

9. 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 Power to divide shares.

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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.

Dividend
on half
shares.

10. 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 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.

11. 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 regis-
tered and
certificates
issued.

12. 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.

13. 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.

14. The provisions of the Companies Clauses Consolidation Act 1845, with respect to the forfeiture of shares for non-payment 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.

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 Forfeiture of preferred shares.

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

Preferred shares not to be cancelled or surrendered.

16. 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.

Half shares to be half shares in capital.

17. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty thousand pounds, but no part thereof shall be borrowed until the whole capital of sixty thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify, under the fortieth section of the Companies Clauses Consolidation Act 1845, before he so certifies, that 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 in such capital 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.

Power to borrow.

18. 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

For appointment of a receiver.

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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 two thousand pounds in the whole.

Debenture
stock.

19. 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 passu* (without respect to the dates of the securities, or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised), and shall have priority over all principal moneys secured by such mortgages.

Application
of moneys.

20. All moneys raised under this Act, whether by shares, debenture stock or borrowing, shall be applied only to the purposes of this Act to which capital is properly applicable.

First
ordinary
meeting.

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

Number of
directors.

22. The number of directors shall not be more than five, nor less than three.

Qualification
of directors.

23. The qualification of a director shall be the possession, in his own right, of not less than thirty shares.

Quorum.

24. The quorum of a meeting of directors shall be three while the number of directors is more than three, and when the number of directors is reduced to three the quorum shall be two.

First
directors.

25. Frederick Gordon, Edward Hegley Byas, John Pound, Charles Edward Keyser, and one other person to be nominated by them, or the majority of 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 varying the number of directors, elect persons to supply the places of the

Election of
directors.

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. A.D. 1886.

26. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845, shall not exceed one acre. Lands for extraordinary purposes.

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 two years from the passing of this Act. Period for compulsory purchase of lands.

28. Persons empowered by the Lands Clauses Acts to sell and convey or release lands, may, if they think fit, subject to the provisions of those Acts and of this Act, grant to the Company any easement, right or privilege, not being an easement 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 rent-charges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights and privileges as aforesaid respectively. Power to take easements, &c., by agreement.

29. The following provisions for the protection of the London and North-western Railway Company (herein-after called "the North-western Company") shall be binding on the Company, and they shall perform the same and comply therewith:— For the protection of the London and North-western Railway Company.

(1.) For the purpose of constructing the intended junction between Railway No. 1 and the London and North-western Railway, the Company shall construct a line of railway or siding in the position shown in red upon the plans, signed by William Beswick Myers on behalf of the Company, and by Francis Stevenson on behalf of the North-western Company, and thereon indicated by the letters A, G, B, C, and the said Railway No. 1 shall be constructed so as to join such line of railway or siding at some one or more points between the letters A and B on such plan;

(2.) The Company shall construct a line of railway or siding between such first-named line of railway or siding and the line of railway known as the Up Slow Line of the North-western Company, in the position shown upon the said plan in red, and indicated by the letters F and G: Provided always that, if the North-western Company so elect, they may construct, at the expense of the Company, so much of the said line of railway or

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siding as shall extend for a distance of forty yards from its intended junction with the said Up Slow Line;

- (3.) The North-western Company shall, at the request and expense of the Company, construct a cross-over road or line of rails as shown upon the said plans by a blue colour between the letters D and E, but such cross-over road or line of rails shall be and become the absolute property of the North-western Company, and the Company shall acquire no rights thereover;
- (4.) The Company may, at their own expense, and according to plans, sections and specifications to be reasonably approved by Francis Stevenson or other the principal engineer for the time being of the North-western Company, alter the bridge carrying the public road over the North-western Railway at Harrow Station so as to allow sufficient headway for the construction by the Company of the said Siding A, G, B, C, and the platform in connexion therewith, coloured yellow on the said plan;
- (5.) If in altering the said bridge the Company shall interfere with the present flight of steps marked H on the said plans, they shall, in lieu thereof, provide, to the satisfaction of the said principal engineer of the North-western Company, a convenient and sufficient access to the said road from the North-western Company's said Harrow Station;
- (6.) The Company shall not, without in every case the previous consent of the North-western Company, in writing under their common seal, take, use, enter upon or interfere with any of the lands, railways, works or property from time to time belonging to, or in the possession, or under the power of the North-western Company, except only such part or parts of such lands as shall be absolutely necessary for the Company to take, use, enter upon or interfere with for the purpose of making and maintaining the works by which, according to this enactment, the said Railway No. 1 is to join the railway of the North-western Company;
- (7.) Notwithstanding anything in this Act contained, the Company shall not, except with the consent of the North-western Company under their common seal, purchase or take any lands or property of the North-western Company, but the Company may purchase and the North-western Company may and shall sell and grant accordingly an easement or right of using such lands as may be necessary for the construction of the sidings or lines of railway shown in red upon the said plan, and for constructing the said platform, also shown upon the said plan.

The amount to be paid for the acquisition of such easements shall be settled, in case of difference, in the manner provided by the Lands Clauses Consolidation Act 1845, as amended by any subsequent Act, with respect to the purchase of lands otherwise than by agreement;

- (8.) If and so often as the North-western Company require to widen, alter or provide additional or other accommodation for or in connexion with their railway, and for any of such purposes shall require the alteration or removal to another place of the said junctions, lines of railway, sidings and platform, wholly or in part, they shall be at liberty to effect such removal or alteration at their own expense, and to resume possession of all or any of their lands or property over which the Company may have acquired any rights or easements in pursuance of this section: Provided always that before effecting any such alteration or removal the North-western Company shall, at their own expense, provide, to the reasonable satisfaction of the engineer of the Company, such junctions, lines of railway, sidings, platforms and other works in lieu of those altered or removed, either wholly or in part, as will provide accommodation as nearly as may be equally convenient with those removed, altered or interfered with;
- (9.) The Company shall not, in any manner, in the execution of any of their works, obstruct or interfere with, the free uninterrupted and safe user of the railways of the North-western Company, or any traffic thereon;
- (10.) The Company shall bear and on demand pay to the North-western Company the expense of the employment by the North-western Company, during the execution of the works affecting the railways of the North-western Company, of a sufficient number of inspectors and watchmen to be appointed by the North-western Company, for watching their said railways and the works connected therewith, with reference to and during the execution of such intended works, and for preventing, as far as may be, all interference, obstruction, danger and accident from any of the operations, or from the acts or defaults of the Company, or their contractors, with reference thereto, or otherwise;
- (11.) If by reason of the execution of any of the works, or any proceedings of the Company, or the failure of any such works, or any act or omission of the Company, or of their contractors, or otherwise, the railways of the North-western Company, or any of the works connected therewith, shall be injured

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or damaged, such injury or damage shall be forthwith made good by the Company at their own expense, or in the event of their failing so to do, then the North-western Company may make good the same, and recover the expense thereof, with full costs, against the Company, in any court of competent jurisdiction; and if any interruption or interference shall be occasioned to the traffic of the North-western Company by reason of any of the matters or causes aforesaid, the Company shall pay to the North-western Company all costs and expenses to which that company may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference, such costs and expenses and compensation to be recoverable, with full costs, by the North-western Company from the Company, in any court of competent jurisdiction;

(12.) Nothing in this Act contained shall prejudice, take away, diminish, or interfere with any of the property, rights, interests, powers and privileges of the North-western Company otherwise than is herein expressly provided;

(13.) The Company and the North-western Company may agree in writing for any variation or alteration in the works in this section provided for, or in the manner in which the same shall be executed;

(14.) Any question which may arise between the Company and the North-western Company under this section shall, on the application of either Company, be referred to and determined by an engineer to be appointed by the President, for the time being, of the Institution of Civil Engineers.

30. The Company shall execute the works by this Act authorised, so far as the same affect any main road in the county of Middlesex, as defined by the Highways and Locomotives Amendment Act 1878, and so far as any such works affect any bridge to be erected in the said county for carrying a highway over the railway or the approaches thereto, or any bridge to be erected for carrying the railway over a highway, subject to the following conditions, viz.:—

(A.) The Company shall not commence nor execute any works as aforesaid until they have first delivered at the office of the surveyor of Middlesex county bridges, plans and drawings of the works intended to be executed so far as they affect the levels, spans and height of the said bridges or roads, nor until the said plans and drawings shall have been approved by the said surveyor, the said approval being not unreasonably delayed or withheld and in the event of the said surveyor not indicating

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any disapproval of the said plans within fourteen days of their being so delivered, the Company shall be entitled to consider the same approved and to proceed with the works accordingly, and in case of disapproval or disagreement between the said surveyor and the engineer of the Company, the same may be referred to an umpire, to be appointed by the Board of Trade on the application of the Company ;

- (b.) The Company shall execute all such works as aforesaid at their sole expense, and under the superintendence and to the reasonable satisfaction of the said surveyor, whose reasonable charges, incident to the approval of the said plans and drawings and to the superintendence of the works, shall be paid by the Company, and the Company shall, at the like expense, subsequently maintain the same, and all necessary works connected therewith, in good substantial condition to the reasonable satisfaction of the said surveyor.

31. For the protection and benefit of the rural sanitary authority for the Hendon Union (herein-after called "the sanitary authority") the following provisions shall be obligatory on the Company and have effect, that is to say :—

For the
protection of
the Hendon
Union.

- (A.) Where the railway crosses the 18-inch pipe sewer, in meadow field numbered 467 on the 25-inch ordnance map, in the parish of Harrow-on-the-Hill, the Company shall construct a brick man-hole down to the sewer on each side of the railway embankment, and between those man-holes shall take up, relay and imbed the sewer pipes in concrete in such manner at such level and with such inclination as the sanitary authority shall reasonably approve, and thereafter maintain the same in good serviceable condition, any damage to the sewers or pipes in carrying out the works to be made good by the Company ;
- (B.) Where the railway crosses the brick sewer, in the field numbered 122 on the 25-inch ordnance map in the parish of Great Stanmore, the Company shall construct a man-hole down to the sewer on each side of the railway, and between such man-holes shall take up the present brick sewer and substitute glazed stoneware pipes imbedded in concrete in such manner, of such diameter, at such level and with such inclination as the sanitary authority shall reasonably approve, and shall thereafter maintain so much of such sewer as is situated within the fences of their property ;
- (c.) The Company to lay down and maintain a 9-inch sewer or drain for the purpose of draining their station and premises in

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the parish of Great Stanmore, and connect such sewer or drain in a proper manner with the nearest adjacent sewer, to the reasonable satisfaction of the sanitary authority;

- (D.) The railway shall be carried over the road known as Kenton Lane, in the parish of Harrow-on-the-Hill, by a girder bridge of 30 feet span, and the level of the bottom of the bridge shall not be less than 16 feet above the level of the road;
- (E.) At the crossing of the footpath in the parish of Great Stanmore leading from the public road near Duck-in-Pond to Belmont, the Company shall provide an over-bridge or subway, 4 feet wide, for the convenience of foot passengers crossing the railway;
- (F.) A footbridge, 5 feet wide, between the fences or parapets, and on a level with the bank on each side of the railway, to be constructed by the Company for carrying over the railway the footpath leading from the public road near the "Seven Bulls" public-house past Lord Wolverton's cottages, in the parish of Great Stanmore;
- (G.) The public road at Stanmore is to be raised 5 feet and carried over the railway by a bridge. The roadway, including footways, shall not be less than 40 feet in clear width between the parapets of the bridge, and the approaches to the bridge shall not be steeper than 1 in 30 on the west approach of the said bridge, and 1 in 30 on the east approach;
- (H.) All the aforesaid works to be provided in pursuance of this section shall be constructed in a reasonably substantial and workmanlike manner, at the sole expenses of the Company.

Provisions
respecting
houses
occupied by
labouring
class.

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

- (A.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last, or for such number of persons as the Local Government Board shall, after inquiry, deem necessary, having regard to the number of persons on or after that date residing in such houses and working within one mile

therefrom, and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses, or to the place of employment of such persons, and to all the circumstances of the case; and

(B.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

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

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out, and shall require the new buildings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced: Provided that the Local Government Board may dispense with the last-mentioned requirement, subject to such conditions, if any, as they may see fit.

(4.) Any conditions subject to which the Local Government Board may have approved of any such scheme under this section, or of any modifications of any such scheme, or subject to which they may have dispensed with the above-mentioned requirement, shall be enforceable by a writ of Mandamus, to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions, or displace, or cause to be displaced, the persons residing in any house or houses in contravention of the requirements of the scheme, they shall be liable to a penalty of five hundred pounds in respect of every such house, which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice, and shall be carried to and form part of the Consolidated Fund of the United Kingdom: Provided that the court may, if it thinks fit, reduce such penalty.

(6.) For the purposes of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase such further lands as they may require; and for the purposes of any such purchase, sections one hundred and seventy-six and two hundred and ninety-seven of the Public Health Act 1875

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shall be incorporated with this Act, and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section, in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875, and the scheme were one of the purposes of that Act.

(7.) The Company may, on any lands belonging to them, or purchased or acquired under this section, or any provisional order issued in pursuance of this section, erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section; and may sell, demise or let, or otherwise dispose of such dwellings, and any lands purchased or acquired as aforesaid, and may apply for the purposes of this section to which capital is properly applicable, or any of such purposes, any moneys which they may be authorised to raise or apply for the general purposes of their undertaking: Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall, for a period of twenty-five years from the passing of this Act, be appropriated for the purpose of dwellings; and every conveyance, demise or lease of such lands and buildings shall be indorsed with notice of this enactment: Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section, subject to such conditions (if any) as they may see fit.

(8.) So much of section one hundred and fifty-seven of the Public Health Act 1875 as provides that the provisions of that section, and of sections one hundred and fifty-five and one hundred and fifty-six of the same Act, shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament, shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section, and for giving effect to any of the provisions of this section, and the inspectors of the Local Government Board shall, for the purposes of any such inquiry, have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

the inspector, and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector. A.D. 1886.

(11.) For the purposes of this section the expression "labouring class" includes mechanics, artisans, labourers and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

33. 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 two thousand five hundred and ninety-four pounds thirteen shillings and sevenpence, Consolidated Three per Cent. Annuities, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature 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, 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: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Chancery Division of the High Court of Justice in England shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, 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.

Deposit fund
not to be
repaid
except so
far as rail-
way is
opened.

A.D. 1886.
Application
of deposit.

34. 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 or transferred 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 to 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 or retransferred 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.

35. If the railway is not completed within three 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 as to so much thereof as is then completed.

Tolls.

36. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say) :—

In respect of passengers and animals conveyed on the railway— A.D. 1886.

For any person threepence per mile, and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile; For passengers and animals.

Class 1.—For any horse, mule, or other beast of draught or burden, fourpence per mile, and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny;

Class 2.—For any ox, cow, bull, or head of neat cattle, threepence per mile, and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny;

Class 3.—For any calf, pig, sheep, lamb, or other small animal, one penny per mile, and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny;

In respect of goods and minerals conveyed upon the railway— For goods.

Class 4.—For all coals, culm, cinders, cannel, ironstone, iron ore, limestone, chalk, sand, slag and clay (except fireclay), dung, compost and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile one penny, and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one halfpenny;

Class 5.—For all coke, charcoal, pig iron, bar iron, rod iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets and rolled iron, lime, bricks, tiles, slates, salt, fireclay and stone, copper ore, lead ore, tin ore, antimony and manganese, and all other ores, minerals and semi-metals, per ton per mile threepence, and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one halfpenny;

Class 6.—For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals and metals (except iron), nails, anvils, vices and chains, and for light iron castings, per ton per mile fourpence, and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one penny;

Class 7.—For cotton and other wools, drugs and manufactured goods, and all other wares, merchandise, fish, articles, matters or things, per ton per mile sixpence, and if conveyed in

A.D. 1886.

carriages belonging to the Company, an additional sum per ton per mile of one penny;

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform, sixpence per mile, and a sum of one penny half-penny per mile for every additional quarter of a ton, or fractional part of a quarter of a ton, which any such carriage may weigh.

Tolls for
propelling
power.

37. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations
as to tolls.

38. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :—

Short
distances.

For all passengers, animals, goods or minerals conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles;

Fractional
parts of a
mile.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals, goods and minerals for such fraction, in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile, and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile;

Fractional
parts of a
ton.

For a fraction of a ton, the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton;

General
weight.

With respect to all articles except stone and timber, the weight shall be determined according to the imperial avoirdupois weight;

Weight of
stone and
timber.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for
small parcels
and articles

39. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwith-

standing anything in this Act, the Company may demand and take any tolls not exceeding the following (that is to say):—

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of great
weight or
length.

For the carriage of small parcels on the railway—

For any parcel not exceeding seven pounds in weight, three-pence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which they may think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railway—

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding sixpence per ton per mile;

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit;

For the carriage of any single consignment of timber, stone, machinery, or other single article which, on account of the length thereof, may require more than one carriage, the Company may demand such sum as they think fit.

40. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following (that is to say):—

Maximum
rates for
passengers.

For every passenger conveyed in a first-class carriage, the sum of threepence per mile;

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For every passenger conveyed in a second-class carriage, the sum of twopence per mile ;

For every passenger conveyed in a third-class carriage, the sum of one penny per mile.

Maximum
rates for
animals and
goods.

41. The maximum rate of charge to be made by the Company for the conveyance of animals, goods and minerals (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier (where any such service is performed by the Company), shall not exceed the following sums (that is to say) :—

For every animal in Class 1, fourpence per mile ;

For every animal in Class 2, threepence per mile ;

For every calf, sheep or pig in Class 3, one penny per mile ; and

for every lamb or other small animal, three farthings per mile ;

For everything in Class 4, one penny halfpenny per ton per mile ;

For everything in Class 5, twopence per ton per mile ;

For everything in Class 6, threepence per ton per mile ;

For everything in Class 7, fourpence per ton per mile ;

And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform, per mile sixpence, and if weighing more than one ton, one penny halfpenny for every additional quarter of a ton, or fractional part of a quarter of a ton, which such carriage may weigh :

Provided always, that when a separate waggon or truck shall be retained or engaged by any one person for the conveyance of cattle or sheep belonging to him, or under his charge, the aggregate of the tolls to be paid for such waggon or truck capable of containing six cattle, or twenty-five sheep, and not containing more than that number, shall not exceed ninepence per mile.

Passengers
luggage.

42. Every passenger travelling upon the railway 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.

43. No station shall be considered a terminal station in regard to any goods conveyed on the railway except such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

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Terminal station.

44. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Foregoing charges not to apply to special trains.

45. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited, for the conveyance of animals or goods of any description, by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Company may take increased charges by agreement.

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

Classification table of goods to be open to inspection and copies kept for sale.

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

Terminal charges (if any) to be specified on application.

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

Penalty.

A.D. 1886.

Power to
pay interest
on capital
during
construction.

47. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained, it shall be lawful for the Company, out of any money by this Act authorised to be raised, to pay interest at such rate not exceeding four pounds per centum per annum, as the directors may determine, to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments, until the expiration of the time limited by this Act for the completion of the works by this Act authorised, or such less period as the directors may determine, but subject always to the conditions herein-after stated (that is to say):—

(a.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act, in respect of which such interest may be paid, has been actually issued and accepted, and is held by shareholders who or whose executors, administrators or assigns are legally liable for the same;

(b.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear;

(c.) The aggregate amount to be so paid for interest shall not exceed six thousand pounds;

(d.) Notice that the Company have power to pay interest out of capital shall be given in every prospectus, advertisement, or other document of the Company inviting subscriptions for shares, and in every certificate of shares;

(e.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

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

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

48. 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. A.D. 1886.

49. 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. Provision as to general railway Acts.

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

