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Railway (Various Powers) Act, 1890.



CHAPTER cxlviii.

An Act to confer further powers on the London Brighton and South Coast Railway Company and for other purposes. A.D. 1890.
[4th August 1890.]

WHEREAS it is expedient that the London Brighton and South Coast Railway Company (who are herein-after referred to as "the Company") should be authorised—

To widen and improve certain portions of their railway near London including parts of the Victoria Station;

To make and maintain the works herein-after described;

To stop up certain footpaths and roadways crossing their railways on the level;

To purchase acquire and hold whether by agreement or compulsion additional lands for the purposes of their undertaking; and

To raise additional capital for the purposes of this Act and for the improvement and enlargement of their railways stations and works and the construction of new stations and sidings and for the general purposes of their undertaking:

And whereas in pursuance of provisions contained in the Victoria Station and Pimlico Railway Act 1858 and the Victoria Station and Pimlico Railway Act 1863 respectively a portion of the railway forming the entrance to the Victoria Station of the Company lying between Eccleston Bridge and Elizabeth Bridge in the parish of St. George Hanover Square in the county of London and extending for a certain distance southward of Elizabeth Bridge was covered over with roofing and the said roofing is found to be a source of danger and inconvenience owing to its tendency to cause the accumulation and retention of steam smoke and fog and thereby to cause darkness in the station and in the approaches thereto and to obscure the signals controlling the traffic and it is expedient that in connexion with the improvement and widening of the said station for the purposes of which some of the additional land herein-before referred

21 & 22 Vict.
c. cxviii.
26 & 27 Vict.
c. ccxxvii.

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A.D. 1890. to is required provisions should be made for the removal of certain parts of the said roofing :

47 & 48 Vict.
c. xcvi. And whereas by the London Brighton and South Coast Railway (Various Powers) Act 1884 the Company were authorised to make certain improvements of their railway at Lewes in the county of Sussex which were by the said Act described as Railway No. 1 (1 furlong and 6 chains or thereabouts in length) Railway No. 2 (3 furlongs and 5 chains or thereabouts in length) and Railway No. 3 (3 furlongs 3·75 chains or thereabouts in length) :

And whereas the said railways although constructed in accordance with the powers of the said Act were constructed with considerable deviations from the line and level shown on the plans and sections deposited for the purpose of that Act and it is expedient that the construction thereof in manner shown on the deposited plans and sections herein-after referred to should be confirmed :

27 & 28 Vict.
c. cccxiv. And whereas by the London Brighton and South Coast Railway (Additional Powers) Act 1864 the Company were authorised to make and maintain in the parish of Croydon in the county of Surrey a railway commencing by a junction with the authorised South Croydon line of the Company near the Addiscombe Road and terminating on the east side of the High Street Croydon near Mint Walk in the said Act referred to as the "Croydon (Central) Railway" :

Sec. 10.

And whereas the Company have constructed the said railway and in connexion therewith a station known as the Central Croydon Station :

And whereas the use and maintenance of the said railway and station has been found to be unnecessary having regard to improvements made at other stations in Croydon and it has been agreed between the Company and the mayor aldermen and burgesses of the borough of Croydon (herein-after called "the corporation") that the site of the said station should be sold and conveyed to the corporation for the purpose of the erection thereon of a Town Hall and other public buildings and it is expedient that the agreement between the Company and the corporation of which a copy is set out in the Third Schedule to this Act should be confirmed and that the said sale should be authorised but that the Company should be empowered to retain for siding and other purposes so much of the site of the said railway as will not be acquired by the corporation and that powers should be conferred upon the corporation to raise the necessary funds for the purpose of such purchase and that the other provisions of this Act in that behalf should be made with reference to the said station sidings and approaches thereto ;

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And whereas in the conduct of the business of the Company bonds are from time to time required to be given to Her Majesty in respect of goods in the custody or under the control of the Company or in which the Company are or are about to become interested as carriers or warehousemen liable to duties of customs and excise and as the Company has no statutory power to give such bonds it is necessary that they should be given by individuals on behalf of the Company which tends to inconvenience and it is expedient that the Company should be empowered to give such bonds :

And whereas it is expedient that the other provisions herein-after contained should be made :

And whereas plans and sections showing the lines and levels of the widenings and other works authorised by this Act including the railways at Lewes as confirmed by this Act and the lands required or which may be taken for the purposes thereof and plans of the additional lands which may be acquired under this Act and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the respective clerks of the peace for the counties of London Surrey and Sussex and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

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

1. This Act may be cited for all purposes as the London Brighton and South Coast Railway (Various Powers) Act 1890. Short title.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. of the Railways Clauses Act 1863 (relating to the construction of a railway) are subject to the provisions of and except where expressly varied by this Act incorporated with and form part of this Act. Incorporation of general Acts.

3. Subject to the provisions of this Act all the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :— Extending certain provisions of the Companies Clauses Consolidation Acts.

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested :

And Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock shall be applicable to the capital and moneys hereby authorised to be raised by shares or stock or mortgage and to the proprietors thereof.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

“ Parish clerks ” and “ clerks of the several parishes ” in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards the parishes of Saint Mary Lambeth Saint George Hanover Square Saint Mary Battersea and Bermondsey mean the vestry clerks of those parishes respectively and as regards the parish of Streatham the clerk of the board of works for the Wandsworth district :

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 partly 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.

Power to Company to widen and improve portions of railway.

5. Subject to the provisions of this Act the Company may in the lines according to the levels and in the manner shown on the deposited plans and sections widen and improve and maintain the portions of their railways herein-after mentioned and lay down additional lines thereon or in connexion therewith and may divert the portion herein-after mentioned of the West London Extension

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Railway and for the purposes of such widenings and improvements and diversion the Company in addition to any other lands which they are by this Act authorised to acquire may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for the purposes aforesaid and the said widenings and improvements respectively shall for the purposes of toll and all other purposes be deemed part of the railway of the Company. A.D. 1890.

The portions of the railway of the Company herein-before referred to and authorised to be widened and improved by this Act are—

Widening No. 1 :—

The widening and improvement of a portion of the railway of the Company in the parish of St. Mary Battersea in the county of London commencing at a point seven chains or thereabouts eastward of the archway carrying the railway of the Company over Culvert Road and terminating at a point about ten chains or thereabouts south of the bridge carrying the St. John's Hill Road over the West End and Crystal Palace Railway of the Company :

Widening No. 2 :—

The widening and improvement of a portion of the railway of the Company commencing in the said parish of St. Mary Battersea by a junction with Widening No. 1 at the termination thereof herein-before described and terminating in the parish of Streatham in the county of London by a junction with the West End and Crystal Palace Railway of the Company at a point twenty-four chains or thereabouts eastward of the booking office at Balham Station :

Widening No. 3 :—

The widening and improvement of a portion of the railway of the Company in the said parish of Streatham commencing by a junction with Widening No. 2 herein-before described at a point about twenty-one chains or thereabouts eastward of the booking office at Balham Station and terminating by a junction with the Peckham and Sutton Railway of the Company at a point about eight chains or thereabouts south of the bridge carrying that railway over the Croydon and Balham line of the Company :

Widening No. 4 :—

The widening and improvement of a portion of the railway of the Company in the said parish of Streatham commencing by a junction with the Company's railway from Sutton to

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Victoria at a point about ten chains or thereabouts north of the mile post on the Peckham and Sutton Railway indicating nine miles from London Bridge and terminating by a junction with the said railway from Sutton to Victoria at a point about seventeen chains eastward of the booking office at Balham Station:

In connexion with the Widening No. 1 herein-before described the Company may in the manner shown on the deposited plans and sections but subject to the provisions herein-after contained alter and divert a part of the West London Extension Railway at or near Clapham Junction Station in the said parish of St. Mary Battersea.

Provisions
for the pro-
tection of
the London
County
Council.

6. With reference to the works authorised by this Act to be constructed within the county of London the following provisions for the protection of the London County Council (herein-after called "the council") shall have effect:—

(1) Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the council or of any vestry or district board of works constituted under the Metropolis Management Act 1855 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 council or the said boards or vestries or any of them or shall or may in any way affect the sewerage or drainage of the districts under their control or under the control of one or more of them the Company shall not commence such works until they shall have given to the council 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 the council or 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 the council or such board or vestry respectively shall have signified their approval of the same unless the council or 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 section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the council and of the respective district board or vestry as the case may be in the execution of the said works and shall pro-

vide by new altered or substituted works in such manner as the council and such boards or vestries respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the council and the said boards and vestries 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 council 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 council or any district board or vestry may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council or to such board or vestry by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council district board or vestry as the case may be respectively as any sewers or works now 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 council or the said respective boards or 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 ;

- (2) Notwithstanding anything in this Act or on the deposited plans and sections all bridges to be constructed by the Company for carrying any road or street over the railway shall be constructed so as not to lessen the present clear width of such road or street including the footway or footways and in no case shall any such bridge be of less width between the parapets thereof than forty feet measured on the square and every such bridge shall be so covered or fenced as to prevent as far as may be reasonably practicable the escape of steam smoke or ther offensive effluvia into any such road or street ;
- (3) Notwithstanding anything in this Act or on the deposited plans and sections where the bridges or works next herein-

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after mentioned are constructed under the powers of this Act over any street or road there shall be left a clear headway throughout above the existing surface of the street or road and a clear span throughout measured on the square in each case not less than the headways and spans herein-after mentioned (that is to say) :—

Parish.	Name of Road.	Number on deposited Plan.	Headway.	Span at Right Angles to Road.
			Ft. Ins.	Ft. Ins.
St. Mary Battersea -	Culvert Road -	13	15 0	40 0
	Latchmere Road -	31	17 0	40 0
	Falcon Lane -	35	17 0	40 0
Streatham -	Boundaries Road -	41	16 0	40 0
	Balham Road -	72	16 0	51 3
	Dragmire Lane -	118	12 0	20 0
	Eardley Road -	2	16 0	40 0
St. Mary Lambeth -	High Street Norwood	1	15 9	40 0

NOTE.—All the above bridges to be girder bridges.

Provided that the Company shall not under the powers of this Act alter or extend the existing bridge over Bedford Hill Road No. 81 on the deposited plans and in the deposited books of reference in the parish of Streatham ;

(4) Before interfering with or stopping up the footpath roadways footbridges and approaches next herein-after mentioned the Company shall construct and provide sufficient substitutes therefor to the satisfaction in all respects of the council and the Company shall thereafter keep and maintain such substituted footpath roadways and bridges in good condition and repair at their own cost :—

(a) Footbridge and approaches numbered 4 on the deposited plans and in the deposited books of reference in the parish of Saint Mary Battersea ;

(b) Footbridge and approaches numbered 11 on the deposited plans and in the deposited books of reference in the parish of Streatham situate on the east side of Tooting Bec Road ;

(c) Footbridge and approaches numbered 41 and 41A on the deposited plans and in the deposited books of reference in the parish of Streatham situate between Conyers Road and the passage leading from such footbridge to Eardley Road ;

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- (5) All roads under any bridges reconstructed or widened by the Company in pursuance of the provisions of this Act where such bridges together with existing bridges in proximity thereto cover a length of road amounting to not less than 80 feet shall be reasonably and duly lighted at the expense of the Company by the vestry or district board of the district or parish in which such roads or bridges are situate; A.D. 1890.
- (6) The Company shall from time to time make good to the satisfaction of the engineer of the council any damage occasioned to Wandsworth Common or Tooting Bec Common by removal of slopes or the building of retaining walls or other operations of a like character in the course of widening or extending their existing lines of railway;
- (7) The walls forming the extension of the abutments at Culvert Road Latchmere Road and Falcon Lane shall be faced by the Company at their expense with white glazed bricks;
- (8) The Company shall as soon as they have acquired the lands in the parish of Bermondsey shown on the deposited plans and described in the deposited books of reference lying between Upper Grange Road and St. James' Road and bounded on the north by Lynton Road and on the south by Bricklayers Arms Branch Railway or a sufficient portion of such lands widen Upper Grange Road to not less than 50 feet throughout and such widening shall be carried out to the satisfaction in all respects of the engineer of the council;
- (9) If at any time after the passing of this Act the council shall give notice in writing under their common seal to the Company requiring them to alter the existing bridge carrying the railway of the Company over the roads mentioned in subsection 3 of this section and to reconstruct the same as girder bridges or a girder bridge with a clear headway throughout of not less than that mentioned in such subsection above the present surface of the road and with a clear span throughout of not less than also therein mentioned the Company shall alter and reconstruct the said bridges or bridge accordingly so as to correspond with the bridges or bridge to be made by them for carrying the works authorised by this Act over the roads or road crossed by such bridges or bridge Provided that the Company shall not be required to commence such alteration and reconstruction until the widening of the railway over the said roads shall be open for traffic and provided that when the Company shall have altered and reconstructed the said bridges

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or bridge pursuant to any such notice and in accordance with the provisions herein-before contained to the reasonable satisfaction of the engineer of the council the council shall repay to the Company the necessary and proper costs of such alteration the amount of which unless otherwise agreed shall be settled by arbitration ;

(10) If at any time after the passing of this Act the council shall give notice in writing under their common seal to the Company requiring them to alter the existing bridges or any of them by which the roads next herein-after mentioned are carried over the railway of the Company by increasing the clear width between the parapets of the same throughout their entire length to not less than that herein-after mentioned the Company shall alter and widen the said bridges or bridge accordingly so as to correspond with the bridges or bridge to be made by them for carrying the said roads over the works authorised by this Act (that is to say) :—

Parish.	Number of Road on Plan.	Description of Road.	Width between Parapets.
St. Mary Battersea -	71	St. John's Hill - -	40 feet.
Do. -	2	Bellevue Road - -	40 feet.
Streatham - -	5	Bedford Hill Road (on Tooting Bec Common).	40 feet.
Do. - -	8	Tooting Bec Road - -	40 feet.
Do. - -	13	Mitcham Lane - -	40 feet.

Provided that the Company shall not be required to commence such alteration and reconstruction until the widening of the railway under the said roads and bridges shall be open for traffic and provided that when the Company shall have altered and reconstructed the said bridges or bridge pursuant to any such notice and in accordance with the provisions herein-before contained to the reasonable satisfaction of the engineer of the council the council shall repay to the Company the necessary and proper cost of such alteration the amount of which unless otherwise agreed shall be settled by arbitration ;

Provided nevertheless that if in the execution of the works by this Act authorised the Company shall for their own purposes reconstruct the existing portions of any such bridges or bridge mentioned in this or the immediately preceding subsection they shall reconstruct them in accordance with the provisions

of this and the immediately preceding subsection as if the council had given the notices in the said subsections referred to and the council shall not pay any portion of the cost thereof; A.D. 1890.

(11) All bridges and works constructed as aforesaid shall be of a reasonably ornamental character and design and shall be made and maintained so as to prevent the dripping of water therefrom on any part of any street road footway area or forecourt and so as to deaden so far as is reasonably practicable the sound of engines carriages and traffic passing over them and the parapets of such bridges and works shall be carried up to a height sufficient effectually to hide from view of the street or road trains passing over such bridges or works;

(12) The Company shall not execute or commence the erection of any such bridge or works as aforesaid until they shall have given to the council twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the council with plans elevations sections and other necessary particulars of the construction of the said bridge and works and until the council shall have signified their approval of the same unless the council fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the council in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the council against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the council at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the council may be put to by reason of the works of the Company whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council by the Company on demand;

(13) No street or road shall be so altered under the powers of this Act that the inclination thereof when altered shall be steeper in any part than one in forty;

(14) The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act within view of any public street any placards or

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advertisements except such as shall have been approved in writing by the clerk or other officer of the council and if any such placards or advertisements be affixed or exhibited the council and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the front of any station placards giving information to the public as to the traffic of the Company ;

(15) Notwithstanding anything herein contained the Company shall not under the powers of this Act enter upon take or use any portion of the lands No. 1 on the deposited plans and described in the deposited books of reference in the parish of St. George's Hanover Square other than so much thereof as is situate to the north of a line marked AA and coloured red on a plan signed in triplicate by the Right Honourable Leonard Henry Courtney the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which plan is deposited in the Private Bill Office of the House of Commons another copy with the London County Council and another copy with the Company ;

(16) Before the Company acquire or interfere with any land forming part of Tooting Bec Common numbered 4 6 7 9 112 114 115 117 on the deposited plans and in the deposited books of reference in the parish of Streatham they shall convey to the council the piece of land coloured red shown on a plan signed by the engineer of the council and the engineer of the Company as relative to this subsection in substitution for the land so numbered on the deposited plans and in the deposited books of reference and the land so conveyed to the council shall at all times thereafter be held by the council as part of Tooting Bec Common and all the powers of the council with reference to parks and open spaces shall apply to the land so conveyed to the council A duplicate of the plan signed by Earl Bathurst the chairman of the committee of the House of Lords to whom the Bill for this Act was referred has been deposited in the Parliament Office.

As to a foot-
path at
Clapham
Junction.

7. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Company in carrying out the works connected with the deviation of the West London Extension Railway at Clapham Junction Station shall not stop up the footpath in the parish of Saint Mary Battersea leading from Falcon Lane to that station numbered 40 on the deposited plans and in the deposited books of reference nor shall they reduce the width of the same to a less width than five feet six inches in any part The Company shall

before commencing those works submit to the London County Council for the approval of the council a plan showing the proposed mode of dealing with the present station yard at the Clapham Junction Station (a portion of which will be required to be taken for the new station of the West London Extension Railway Company) and with Prested Road numbered respectively 42 and 43 on the said plans and the works shall be executed in all respects to the reasonable satisfaction of the London County Council. If any dispute shall arise between the London County Council and the Company respecting the matters and provisions in this section mentioned or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed upon the application of either party by the President for the time being of the Institution of Civil Engineers in London and the cost of such arbitration shall be in the discretion of such arbitrator.

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8. The Company shall when altering and re-arranging their Balham Station in connexion with Widening No. 2 provide a suitable access for foot passengers to all the platforms at that station on the south side of the bridge by which the railways of the Company are carried over Bedford Hill Road.

Access for foot passengers to Balham Station from Bedford Hill Road.

9. For the protection of the West London Extension Railway Company and their railway (in this section respectively referred to as "the Extension Company" and "the Extension Railway") the following provisions shall have effect (that is to say):—

For protection of the West London Extension Railway Company.

(1.) The railway herein-before described as Widening No. 1 shall be carried over the main line and the branch line No. 1 of the Extension Railway by enlargements of the existing bridges and the new or enlarged portions of the said bridges shall be constructed with a span and headway of not less dimensions than those of the said existing bridges respectively. And the said bridges shall be so enlarged according to plans sections and specifications previously submitted to and approved by the engineers of the Extension Company for the time being and under their superintendence and to their reasonable satisfaction in all respects but in all things at the expense of the Company. And all the works connected with the enlargement of such bridges shall be constructed and executed respectively by such means and in such manner only as not to interfere with the traffic over or the free uninterrupted and safe use of the Extension Railway and so as to leave undisturbed all the

As to bridges over the West London Extension Company's lines.

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Maintenance
of bridges
over West
London
Extension
Railway.

Taking
easements
for bridges
over West
London
Extension
Railway.

No more
land of
Extension
Company to
be taken
than abso-
lutely
necessary.

existing lines of rails at the points where they will be so passed over or affected by the works for or in connexion with the enlargement of the said bridges.

- (2.) The Company shall at all times maintain the enlarged portions of the said bridges for crossing over the Extension Railway in substantial repair and good order to the reasonable satisfaction in all respects of the engineers of the Extension Company And if and whenever the Company fail after due notice so to do the Extension Company may make or do in and upon the lands of the Company or their own lands all such works repairs and things as may be reasonably requisite in that behalf and the reasonable amount of such expenditure shall be repaid to the Extension Company by the Company and in default of payment may be recovered from the Company with full costs in any court of competent jurisdiction.
- (3.) The Company shall not purchase and take any lands or property of the Extension Company for the purpose of enlarging the said bridges but may purchase and take for such purpose and the Extension Company may and shall sell and grant accordingly a perpetual easement or right of passing over and using the lands and property which but for this enactment the Company might purchase and take for the purpose aforesaid.
- (4.) The Company shall not take for any part of the Widening No. 1 (other than the deviation of the Extension Railway at Clapham Junction) any greater quantity of the land of the Extension Company than is absolutely necessary for constructing by means of retaining walls or viaducts one additional line of railway such retaining walls where they shall abut upon the property of the Extension Company to be constructed according to plans sections and specifications to be reasonably approved of by the engineers of the Extension Company and the foundations of such retaining walls near Falcon Lane shall be carried down to a depth sufficient to enable the Extension Company to construct an approach road from Falcon Lane to their property lying to the north-east of the said lane And the Company shall not without first obtaining the consent of the Extension Company under the hand of the secretary for the time being of such company take use enter upon or interfere with any of the lands rails works property or rights from time to time belonging to or in the possession or under the power of or vested in the Extension Company except only such

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part or parts thereof respectively as it shall be absolutely necessary for the Company to take use enter upon or interfere with for the purposes by this Act authorised in accordance with the provisions in that behalf in this Act contained.

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(5.) The Company shall not without the consent in writing of the Extension Company stop up or interfere with the existing access and right of way of the Extension Company from Culvert Road to the land of the Extension Company in the parish of St. Mary Battersea numbered 2 on the deposited plans of the Widening No. 1 until they have provided an access of not less width than 18 feet 6 inches and shall have granted and conveyed to the Extension Company a right of way over and along the same.

Preserving
access to
land at
Culvert
Road.

(6.) The alteration and deviation of the Extension Railway at or near Clapham Junction shall be carried out according to plans and in the manner to be agreed upon between the principal engineers for the time being of the Company and of the Extension Company and failing their agreement shall be referred to arbitration in the manner herein-after mentioned Provided always that the radii of the curves of the up and down lines of the deviated railway of the Extension Company at their junction with the existing or widened lines of the Company shall not be less than the radii of the curves of the existing up and down lines of the Extension Railway respectively at the said junction.

Deviation at
Clapham
Junction.

(7.) The Company shall bear and on demand pay to the Extension Company all reasonable expenses of the employment by them during the construction of the works affecting the Extension Company of a sufficient number of inspectors and watchmen to be appointed by the Extension Company for watching their said railways and the works and property connected therewith with reference to and during the execution of such works of the Company and for preventing so far as may be all interference obstruction danger or accident from any of the operations or acts or defaults of the Company or of their contractors or of any persons in the employment of the Company or of their contractors with reference thereto or otherwise and also all reasonable expenses of the alterations additions and maintenance from time to time by the Extension Company of any signals which they may find it necessary to erect and maintain owing to the construction of such works and the extra cost of maintaining the proposed junction between the lines of the Extension Company and the Company at Clapham Junction over and above the cost of maintaining the existing junction

Expenses of
watching
&c.

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Penalty in
case of
obstruction
or injury of
the West
London
Extension
Railway.

shall be borne and paid by the Company to the Extension Company.

(8.) If by reason of the execution of any of the works by this Act authorised or any proceedings of the Company in relation thereto or the failure of any such works or any act or omission of the Company or of their contractors or of any persons in the employ of the Company or of their contractors or otherwise the Extension Railway or any of the works connected therewith or any passenger or other traffic on that railway shall sustain any injury or damage such injury or damage shall be forthwith made good by the Company at their expense or in the event of their failing so to do the Extension Company may make good the same and recover the expense thereof with full costs from the Company in any court of competent jurisdiction And if any interruption shall be occasioned to such traffic by reason of any of the matters or causes aforesaid the Company shall on demand pay to the Extension Company all costs and expenses to which the Extension Company may be put as well as full compensation for the loss or inconvenience sustained by such company by reason of such interruption such costs expenses and compensation to be recoverable from the Company in manner aforesaid with full costs.

Arbitration.

(9.) If any dispute shall arise between the Extension Company and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed upon the application of either party by the President for the time being of the Institution of Civil Engineers in London the cost of such arbitration to be in the discretion of such arbitrator Provided that no claim for compensation by the Extension Company for the purchase taking using or injuriously affecting by the Company of any land or easement under the powers of this Act shall be deemed to be a "dispute" within the meaning of this subsection but any such claim shall be determined in manner provided by the Lands Clauses Acts in respect of the purchase and taking of lands otherwise than by agreement.

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

10. When the deviation of the West London Extension Railway herein-before authorised shall have been completed and shall be

Saving
rights of
the West
London
Extension
Railway
Company.
Vesting
portion of
West

[53 & 54 VICT.] *London, Brighton, and South Coast* [Ch. cxlviii.]
Railway (Various Powers) Act, 1890.

ready for public traffic the same shall be vested in the owners for the time being of the West London Extension Railway and the said railway as deviated under the powers of this Act shall for all purposes (including the levying of tolls rates and charges in respect thereof) constitute part of the West London Extension Railway and the site of the portion of the said railway for which the deviation is substituted shall vest in and become the property of the Company. The land required for the deviated railway of the Extension Company to be constructed under the provisions of this Act shall be conveyed by the Company to and shall vest in the Extension Company free of any charge cost or expense to the Extension Company.

A.D. 1890.
 —
 London
 Extension
 Railway
 when
 deviated in
 owners of
 that railway.

11. The Widening (No. 1) by this Act authorised shall be subject to the provisions and restrictions herein-after contained for the protection of the London Chatham and Dover Railway Company (in this section called "the Chatham Company") and such provisions and restrictions shall accordingly be binding upon the Company:—

For the
 protection of
 the London
 Chatham
 and Dover
 Railway
 Company.

(1.) The Company shall not for the purpose of making the said intended widening over the London Chatham and Dover Railway acquire any ownership of or in any land or property of the Chatham Company but the Company shall acquire only an easement or right for the so making maintaining and using of the intended widening.

(2.) The Company shall not enter upon or interfere with the London Chatham and Dover Railway or any of the lands or works of the Chatham Company or execute any work whatsoever over or affecting the same until there shall have been delivered to the principal engineer for the time being of the Chatham Company by the Company plans drawings and specifications of the works intended to be executed over or affecting the London Chatham and Dover Railway and the lands and works thereof such plans drawings and specifications to describe the manner of executing the intended works and the materials to be used for the purpose nor until the plans drawings and specifications have been examined and approved in writing under his hand by the engineer of the Chatham Company or in the event of his failing to approve the same for one calendar month after the plans drawings and specifications have been delivered to him until the same have been examined and approved by an engineer to be agreed upon or in default of agreement to be appointed at the request of either company by the President of the Institution of Civil Engineers and the said works shall be executed by the Company at their sole expense and shall in like manner be subsequently maintained by the

A.D. 1890.

Company in all things according to the approved plans drawings and specifications under the superintendence and to the reasonable satisfaction of the engineer of the Chatham Company.

- (3.) The Company shall bear and on demand pay to the Chatham Company the expense of the employment by them during the making of the said widening over and adjacent to the line of the London Chatham and Dover Railway of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident to arise from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise.
- (4.) If by reason of any works or proceedings of the Company with reference to the said widening there shall be any obstruction of or interference with the London Chatham and Dover Railway so as to prevent or impede the convenient passage of engines and carriages along the same the Company shall pay to the Chatham Company the sum of twenty pounds by way of ascertained damages for every hour during which that obstruction or interference continues.
- (5.) The Company shall from time to time be responsible for and make good to the Chatham Company all costs losses damages and expenses from time to time occasioned to that Company or to their railway or to any of the works or property thereof or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of any of the works of or incidental to the said intended widening or any act or omission of the Company or any of the persons in their employ or their contractors or others and the Company shall effectually indemnify and hold harmless the Chatham 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.

For the protection of the Southwark and Vauxhall Water Company.

12. For the protection of the Southwark and Vauxhall Water Company (herein-after called "the water company") the Company shall not be at liberty to enter upon take or use for any purposes of this Act any of the lands of the water company until they shall have procured and vested in the water company for an estate of fee simple in possession free from incumbrances so much of the property adjoining and immediately north of the properties belonging to the water company and numbered 38 on the deposited plans and books

of reference in the parish of Streatham as is equal to the extent of land belonging to the water company and situate to the west of the eastern boundary of the Widening No. 3 and which the water company is to convey to the Company in exchange for the land above-mentioned Provided that the land so to be acquired by the Company and conveyed to the water company shall not be of less depth from east to west than 150 feet. A.D. 1890.

In the construction of Widening No. 3 by this Act authorised the Company shall not deviate to any extent eastward of the centre line thereof as shown on the deposited plans.

The water company shall not be liable to the Company for any damage or injury to the works of the Company by reason of abstraction of water or otherwise in connexion with the obtaining of water or carrying on of the works of the water company.

The Company shall pay to the water company all such costs and expenses as may be incurred by them in connexion with any interference with the existing works removal reconstruction and re-erection of buildings or machinery and alteration of plans.

In the event of any difference arising between the Company and the water company as to the construction of this section or other matters arising thereunder the same shall be referred on the application of either party to an engineer to be appointed by the President for the time being of the Institution of Civil Engineers and the costs of such inquiry shall be paid by the Company.

13. 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 works herein-after described and may exercise the powers herein-after mentioned and may for the purposes aforesaid make such alterations in the levels of the streets and roads affected thereby as are shown upon the deposited plans and sections and in addition to any other lands which they are by this Act authorised to acquire may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes : Further works by the Company.

The Company may in the parish of Bexhill in the county of Sussex extend the archway which carries their Brighton and Hastings Railway over the public highway leading from Bexhill to the sea shore situate about thirteen chains westward of the booking office at Bexhill Station :

Provided that the Company shall not exercise the powers of lengthening the said archway conferred upon them by this section unless simultaneously with such lengthening they also widen the existing portion of the archway to a width of 40 feet in the clear

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A.D. 1890. — between the piers and any lengthened portion of the archway constructed under the powers of this Act shall be of the same width of 40 feet:

The Company may in the parish of Saint Mary Lambeth in the county of London extend the bridge carrying their West End and Crystal Palace Railway over the public highway known as High Street about seven chains east of the booking office at West Norwood Station.

Closing
certain foot-
paths over
the Com-
pany's
property.

14. Subject to the provisions of this Act the Company may stop up the portions of footpaths herein-after described namely:—

(1) So much of the footpath in the parish of St. Leonard in the county of Sussex leading from Felsham Farm to the highway running from Bexhill to Hastings as crosses on the level the Brighton and Hastings Railway of the Company about six chains eastward of the booking office at St. Leonard's (West Marina) Station:

(2) So much of the footpath in the parish of Croydon in the county of Surrey leading from the Vicarage Road into the recreation ground as crosses on the level the Wimbledon and Croydon Railway of the Company at a point opposite the said Vicarage Road:

Provided that the said portion of the last-mentioned public footpath shall not be closed until the corporation have completed and opened for public use the bridge now in course of construction from Vicarage Road to the said recreation ground and provided also that if under any power or provision enabling them in that behalf the Company shall require the corporation to remove the said bridge the Company shall before requiring such removal provide either by a substituted footbridge or a subway under the said railway a means of access for foot passengers to the reasonable satisfaction of the corporation from the Vicarage Road to the said recreation ground:

(3) So much of the public footpath in the parish of Croydon leading from Park Lane to Park Hill Road as extends from Park Lane over the Central Croydon Railway of the Company and over adjoining land belonging or reputed to belong to the Company to the boundary of the Company's said land about 11 chains south of the junction of the Central Croydon Railway with the South Croydon Railway:

And all rights of way over the said portions of footpaths so far as they are within the boundaries of the Company's property shall thereupon cease and be extinguished.

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15. Subject to the provisions of this Act—

A.D. 1890.

(1) The Company may stop up so much of the footpath in the parish of Rumbold's Wyke in the county of Sussex leading from Chichester to Rumbold's Wyke as crosses on the level the Brighton and Portsmouth Railway of the Company at or near the twenty-eighth mile post on the said railway forty-seven chains eastward of the booking office at Chichester Station and all rights of footway over the said portion of footpath shall cease so long as the Company maintain a footbridge at that spot:

Closing
certain other
level cross-
ings on
bridges
being made.

(2) The Company may stop up—

(a) So much of the footpath in the parishes of Withyham and Rotherfield in the county of Sussex leading from Birchden to Corseley Road as crosses on the level the East Grinstead and Groombridge Railway and the Uckfield and Tunbridge Wells Railway of the Company about 19 chains south of the booking office at Groombridge Station; and

(b) So much of the footpath in the parish of Ifield in the county of Sussex leading from Lower Tilgate to Crawley as crosses on the level the Horsham and Three Bridges Railway of the Company about 8 chains eastward of the booking office at Crawley Station together with the roadway crossing the said railway at the same spot:

And when and so soon as in each of the two last-mentioned cases the Company shall have constructed and completed to the satisfaction of two justices and opened to the public a footbridge across their railway at the places herein-before mentioned in substitution for the said portion of footpath all rights of way over such portion of footpath or roadway so far as within the boundaries of the Company's property shall cease and be extinguished.

16. The Company in constructing the works herein-before authorised may deviate from the centre lines shown on the deposited plans to the extent of the limits of deviation marked on such plans respectively but so nevertheless that no part of such deviation be constructed beyond the said limits and may deviate from the levels shown on the deposited sections to any extent not exceeding three feet but not so as to increase the gradient of any road or footpath.

Power to
deviate.

17. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement for the widening improvement and enlargement of their railways

Power to
purchase
additional
lands.

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A.D. 1890. — stations and works and for the construction of new stations buildings and sidings and other the purposes of their undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference :—

Certain lands in the parish of Bermondsey in the county of London lying between Upper Grange Road and St. James' Road and bounded on the north by Lynton Road and on the south by the Bricklayers Arms Branch Railway ;

Certain lands in the parish of St. Mary Lambeth in the county of London bounded on the north by the West End and Crystal Palace Railway on the west by High Street and on the south by Pilgrim Hill ;

Certain lands in the hamlet of Penge parish of St. Mary Battersea in the county of London bounded on the north-west by Anerley Park and on the south-east by the Company's railway ;

Certain lands at West Brighton in the parish of Hove in the county of Sussex adjoining the Company's railway on the north side thereof and situate between the West Brighton Station and the Hove Drove way :

Provided that the Company shall not without the previous consent in writing of the South-eastern Railway Company under the hand of their secretary enter upon take or use under the powers of this Act any lands or property belonging to that Company.

For the protection of the vestry of Bermondsey.

18. Whereas the lands in the parish of Bermondsey and county of London which under the preceding section of this Act the Company are authorised to enter upon and take and which are intended to be used as an addition to their Willow Walk Goods Station comprise not only a number of houses and the gardens and yards attached thereto but also portions of the public streets known as Alderminster Road Reverdy Road Alma Road and Balaclava Road which are shown on the deposited plans and described in the deposited books of reference And whereas the said roads are within the jurisdiction or under the control of the vestry of Bermondsey and the said vestry at the time the said streets were constructed contributed various sums of money towards the cost of such construction and towards the cost of kerbing and channelling the same and of laying the sewers thereunder and which have not been repaid to them by the freeholders or frontagers The following provisions shall have effect :—

(1.) The Company shall after the acquisition by them of the lands and premises required by them for the purposes aforesaid but before commencing to pull down the houses thereon

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fronting upon the said streets or in any way interfering with the said streets pay to the said vestry the sum of six hundred pounds being an amount which has been agreed between the Company and the said vestry as representing the expenditure of the said vestry upon the said streets and sewers. A.D. 1890.

(2.) The Company shall not stop up or appropriate any part of the said streets until they shall have paid the said sum of six hundred pounds to the said vestry. But upon payment thereof they may stop up and appropriate the site of so much of Alderminster Road as lies between Welsford Road and Upper Grange Road and the sites of so much of Reverdy Road Alma Road and Balaclava Road as are between Alderminster Road and Lynton Road and thereupon the soil and materials of the said portions of streets and the paving kerbing gullies sewers materials and things thereon or thereunder shall vest in the Company and all rights of way or otherwise over the same shall cease and be extinguished.

(3.) If after the Company have acquired any of the said lands under the powers of this Act the amount of any local rate levied in the said parish in respect of such lands and any houses and buildings thereon shall in any year by reason of such lands houses and buildings having been taken by the Company for the purposes of this Act be less than the amount of the rate leviable during the year one thousand eight hundred and ninety in respect of such lands houses and buildings the Company shall from time to time make good the deficiency until their works on the said lands shall have been so far completed as to become liable to assessment for such rates in the ordinary manner but when and so soon as the last-mentioned event shall have happened all obligation to make good the said deficiency imposed upon the Company by this subsection shall absolutely cease and determine.

19. For the purpose of widening improving and enlarging the Victoria Station of the Company and the approaches thereto and for providing additional sidings the Company may also purchase and take the lands herein-after described which are delineated on the deposited plans and described in the deposited books of reference:—

Power to purchase additional lands near Victoria Station.

Certain lands in the parish of Saint George Hanover Square in the county of London situate between the bridge over the Company's railway known as Ebury Bridge and the Grosvenor Road bounded on the east by the Company's railway and on the west by the Grosvenor Canal;

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Certain lands (including part of the towing-path and waterway of the Grosvenor Canal) situate in the parish of Saint George Hanover Square in the county of London on the western side of the lines of railway leading into Victoria Station between the Eccleston Bridge (Belgrave Road) and the Elizabeth Bridge (St. George's Road).

For the protection of the Duke of Westminster.

20. In connexion with the widening and enlargement of the railway of the Company between the Eccleston and Elizabeth Bridges the Company shall if and when required so to do in writing by the Duke of Westminster or his successors in estate provide along the new boundary wall to be erected by the Company along the Grosvenor Canal between the said two bridges an iron causeway or gallery 2 feet 6 inches in width supported by iron brackets attached to the said wall such causeway or gallery to be placed at such a height above the waterway of the canal as may be fixed by the said Duke of Westminster or his successors and to be used (in place of the existing towing-path which will be acquired by the Company) for the purpose of affording access to and from barges using the upper end of the said canal from or to the towing-path south of Elizabeth Bridge and such causeway or gallery shall for ever thereafter be maintained by and at the expense of the Company but shall belong to the said Duke and his successors in estate :

If any dispute or difference shall arise between the Company and the said Duke or his successors as to the mode of construction of the said causeway or gallery the same shall be referred to some independent engineer to be nominated for the purpose by the President for the time being of the Institution of Civil Engineers at the request of either party.

Company may remove roofing at entrance to Victoria Station.

21. In connexion with and as part of the improvement of Victoria Station by this Act authorised it shall be lawful for the Company notwithstanding anything contained in the Victoria Station and Pimlico Railway Act 1858 and the Victoria Station and Pimlico Railway Act 1863 respectively to remove and permanently discontinue the roofing over the approach to Victoria Station between Eccleston Bridge and Elizabeth Bridge aforesaid and on the southern side of Elizabeth Bridge except as herein-after mentioned (that is to say) The Company shall at all times hereafter maintain in good and proper repair order and condition the roofing over and the enclosure of their railway for the space of at least fifty feet to the southward of Eccleston Bridge and for a space of at least fifty feet on both sides of Elizabeth Bridge so as effectually to prevent the escape of smoke and steam nearer to the said bridges than fifty feet therefrom

Provided nevertheless that if in removing the said roofing it shall be found necessary to remove temporarily that part of the same which adjoins the said bridges the Company shall be at liberty to do so but in such case shall with all convenient speed re-erect the said lengths of fifty feet herein-before referred to. A.D. 1890.

22. And whereas the roofing over the approach to Victoria Station as shown on the deposited plans extends over the railways of the London Chatham and Dover Railway Company (in this section called "the Chatham Company") the Company shall before proceeding to carry into effect the powers by this Act granted to remove the said roofing submit to the Chatham Company detailed plans and specifications of the proposed works and if no disapproval in writing of such plans and specifications shall be communicated to the Company within one month of the delivery to the Chatham Company of such plans and specifications the Company may then proceed to carry the said plans into execution but if any difference shall arise between the Company and the Chatham Company in regard to the said works such difference shall failing agreement between the companies be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers upon the requisition of either of the companies and the decision of the arbitrator shall be final and conclusive and the costs of such arbitration shall be within his discretion :

Provision as to works affecting the London Chatham and Dover Railway.

Provided always that the expense of removing so much of the said roofing as extends over the railways of the Chatham Company shall be borne and defrayed by that Company the amount of the same to be determined in case of difference by such arbitrator as aforesaid.

23. If the Company shall construct Widening No. 1 so that any part of the same shall be to the east of Culvert Road (involving interference with the roadway leading from the Culvert Road to the archway under the Company's railway giving access to the dust destructor of the vestry) the Company shall provide at their own cost outside their widened viaduct a roadway not less than thirty feet in width throughout free from all obstruction from the Culvert Road to the said archway :

For the protection of the vestry of Battersea.

Such new road shall be properly constructed to the reasonable satisfaction of the vestry and shall after completion be maintained by the vestry and if not dedicated as a public road the Company the West London Extension Railway Company and all other companies or persons now possessing a right of way over the existing road shall at all times have a right of way over such new road.

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Power to
take ease-
ments by
agreement.

24. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement 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.

Period for
compulsory
purchase of
lands.

25. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Owners may
be required
to sell parts
only of
certain lands
and build-
ings.

26. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described or referred to in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the arbitrator arbitrators umpire or jury to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation

shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them. Provided always that if in the opinion of such tribunal any such portions cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice. Provided also that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person. The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

A.D. 1890.

27. The agreement dated the 25th day of March 1890 between the Right Honourable William Henry Leigh Baron Leigh the Right Honourable Henry Howard Molyneux Herbert Earl of Carnarvon and the Right Honourable Edward Bootle Wilbraham Earl of Lathom as trustees of the Royal Masonic Institution for Girls of the one part and the Company of the other part as the same is set forth in the Second Schedule to this Act is hereby confirmed and made binding upon both parties thereto and in carrying out Winding No. 1 hereby authorised the Company shall not enter upon take or use any of the lands and premises of the trustees other than the lands and premises shown and coloured red upon the plan referred to in the said agreement and which plan is authenticated by the signature of Earl Bathurst the chairman of the committee of the House of Lords to whom the Bill for this Act was referred and the Company shall only enter upon take and use the said last-mentioned lands and premises upon the terms and subject to the stipulations of the said agreement:

For the protection of the trustees of the Royal Masonic Institution for Girls.

Provided always that any conveyance to the Company in conformity with the terms of the said agreement shall be evidenced by a duly stamped deed of conveyance which shall within three months from the date of vesting be produced to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be

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A.D. 1890. recoverable from the Company with full costs of suit and all costs and charges attending the same.

Restrictions
on displacing
persons of
labouring
class.

28. (1.) The Company shall not under the powers of this Act purchase or acquire in any parish in the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or in any other city borough or 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 in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Secretary of State or the Local Government Board (as the case may require) 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 said Secretary of State or the Local Government Board (as the case may require) for the carrying out of the scheme.

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

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

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

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(4) Any provisions of any scheme under this section or any conditions subject to which the said Secretary of State or the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State or the Local Government Board (as the case may require) out of the High Court. A.D. 1890.

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

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

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

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

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A.D. 1890. this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

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

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

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

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

(11) The 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.

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

(13) 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.

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

29. Any houses on any of the lands shown on the deposited plans and situate within the metropolis as in this Act defined occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which shall have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State for the Home Department under the powers of any previous Act relating to the Company shall for the purpose of the preceding section be deemed to have been acquired under the powers of this Act and to have been occupied on the 15th day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary of State for the Home Department is unable to satisfy himself as to the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Secretary of State they might have been sufficient to accommodate.

Special provision as to certain labouring class houses.

30. The construction of Railways Numbers 1 2 and 3 constituting the improvements of railway at Lewes authorised by section 5 of the London Brighton and South Coast Railway (Various Powers) Act 1884 as shown on the plans and sections deposited in relation to this Act is hereby confirmed.

Confirming construction of improvements of railway at Lewes.

31. The Company may with the sanction of the Commissioners of Customs or the Commissioners of Inland Revenue give and grant to Her Majesty under their common seal bonds general or otherwise conditioned for the due removal or exportation of goods liable to duties of customs or excise or for warehousing or otherwise dealing with such goods in accordance with the laws and regulations of the customs and excise for the time being in force.

Company may enter into bonds with Customs and Excise Departments.

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Confirming
agreement
with Cor-
poration of
Croydon.

Power to
Corporation
of Croydon
to borrow.

32. The agreement made between the Company of the one part and the mayor aldermen and burgesses of the borough of Croydon of the other part and of which a copy is set forth in the Third Schedule to this Act is hereby confirmed and made binding upon the parties thereto.

33. The corporation of Croydon may from time to time borrow moneys for all or any of the purposes mentioned in the agreement set forth in the Third Schedule to this Act and for the payment of the costs and expenses incurred by them of and incident to the said agreement and may mortgage their borough fund and borough rate to secure the repayment of the moneys so borrowed with interest and the following provisions shall have effect with respect thereto :--

- (1) The corporation may from time to time borrow any sum or sums not exceeding in the whole the sum of twelve thousand pounds :
- (2) The corporation may with the sanction of the Local Government Board borrow any further sum or sums which may be necessary for executing the works and purposes so to be executed by them as aforesaid :
- (3) The powers of borrowing money by this Act given to the corporation shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the corporation may borrow under that Act any sum which they may borrow under this Act shall not be reckoned :
- (4) A person lending money to the corporation shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or misapplication of such money or any part thereof :
- (5) Subject to the provisions of this Act section 236 (form of mortgage) section 237 (register of mortgages) section 238 (transfer of mortgages) and section 239 (receiver may be appointed in certain cases) of the Public Health Act 1875 shall be applicable to mortgages made by the corporation under the provisions of this Act and to the appointment of a receiver by the mortgagees :
- (6) Subject to the provisions of this Act the corporation shall pay off all money borrowed by them under the powers of this Act within the limit of £12,000 within sixty years from the time or respective times of borrowing the same and they shall pay off all moneys borrowed with the consent of the Local

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Government Board within such period not exceeding sixty years as that Board may think fit to sanction by any one or more of the methods following (that is to say):— A.D. 1890.

- (a) By equal yearly or half-yearly instalments of principal and interest combined;
 - (b) By equal yearly or half-yearly instalments of principal and interest on the amount of principal from time to time remaining unpaid;
 - (c) By any one or more of the methods including a sinking fund mentioned in the Local Loans Act 1875:
- (7) Sections 13 14 and 15 of the Local Loans Act 1875 shall so far as may be apply to the payment off of money borrowed under this Act:
- (8) If the corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund the corporation may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the corporation with respect to the repayment of the loan and the provision to be made for such repayment shall not be diminished by reason of such re-borrowing:
- (9) In regard to any moneys borrowed with the approval of the Local Government Board that Board may direct any inquiries to be held by their inspectors which they may deem necessary 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 corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector:
- (11) The corporation may raise all or any of the moneys which they are by this section authorised to borrow by the creation and issue of Croydon Corporation Stock in accordance with the provisions of the Croydon Corporation Act 1884 and the yearly sums payable to the Croydon Corporation Consolidated Loans Fund for payment of dividends on and towards extinc-

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tion of such stock shall be payable out of the borough fund and borough rate :

Provided that all stock issued under the powers of this Act shall be declared by the resolution creating the same to be redeemable and that any agreement which may be made by the corporation with the Commissioners of Inland Revenue for composition in lieu of the stamp duty upon transfers of such stock shall be in accordance with the provisions of the Customs and Inland Revenue Act 1887 :

(12.) The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid by them under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the town clerk if so required by them showing the amount which has been paid as an instalment or invested by the corporation for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

34. It shall be lawful for the corporation from time to time to let sell exchange or otherwise dispose of any part or parts of the lands to be acquired by them from the Company under the powers of this Act which they may not require to use for public purposes on such terms and conditions as they may think fit.

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Corporation of Croydon may dispose of lands not required by them.

35. The corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the corporation Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Applications of moneys from sale &c. of land.

36. From and after the passing of this Act the Company shall be under no obligation to maintain or use as a railway any part of the said Croydon Central Railway and Station in the parish of Croydon:

Discontinuance of Croydon Central Railway and station.

But they may retain and use for sidings or other purposes of their undertaking so much of the said railway and station site and any lands acquired for the purpose thereof as is not sold to the corporation.

37. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Company may apply corporate funds to purposes of Act.

38. The Company may for the purposes of this Act and for the general purposes of their undertaking from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money which they are already authorised to raise any additional sum or sums not exceeding in the whole three hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company.

Company may raise additional capital.

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Shares or
stock not
to vest until
fifth part
paid up.

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

Qualification
of new shares
or stock.

40. Except as by or under the powers of this Act otherwise provided the new shares or stock issued under the powers of this Act shall in proportion to the aggregate amount thereof from time to time held by the same person at the same time entitle the respective holders thereof to the same dividends and profits and confer on them the like qualifications and the like right of voting as the like amount of existing ordinary or preferential (as the case may be) shares or stock of the Company.

Power to
borrow on
mortgage.

41. The Company may from time to time borrow on mortgage of their undertaking additional sums not exceeding in the whole one hundred thousand pounds in respect of the additional capital by this Act authorised to be raised. But no part of the said sum of one hundred thousand pounds shall be borrowed until shares for so much of the additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such additional capital have been issued and accepted and that one half of the amount 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 until stock for one half of so much of such additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted 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 so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Existing
mortgages
to have
priority.

42. All mortgages granted by the Company in pursuance of any Act of Parliament and which shall be subsisting at the time of the

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passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. A.D. 1890.
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43. 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 at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company under this Act and shall have priority over all principal moneys secured by such mortgages. Debenture
stock.

44. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company being in each case purposes to which capital is properly applicable. Application
of moneys.

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

46. 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. Interest not
to be paid
on calls paid
up.

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

48. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of Provision as
to general
Railway
Acts.

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A.D. 1890. 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.

Costs of Act. **49.** All costs charges and expenses of and incident to the
preparing for obtaining and passing of this Act or otherwise in
relation thereto shall be paid by the Company.

SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

Describing lands buildings and manufactories of which portions only may be required by the Company.

Parish.	Nos. on deposited Plans.
WIDENING No. 1.	
St. Mary Battersea	70
WIDENING No. 3.	
Streatham	38
DEVIATION OF WEST LONDON EXTENSION RAILWAY AT CLAPHAM JUNCTION.	
St. Mary Battersea	70
ADDITIONAL LANDS AT VICTORIA STATION.	
St. George Hanover Square	1, 2

THE SECOND SCHEDULE.

AN AGREEMENT made the 25th day of March 1890 between the Right Honourable WILLIAM HENRY LEIGH BARON LEIGH the Right Honourable HENRY HOWARD MOLYNEUX HERBERT EARL OF CARNARVON and the Right Honourable EDWARD BOOTLE WILBRAHAM EARL OF LATHOM Trustees of the Royal Masonic Institution for Girls (herein-after called the Vendors) of the one part and the LONDON BRIGHTON AND SOUTH COAST RAILWAY COMPANY (herein-after called the said Company) of the other part whereby it is agreed as follows (that is to say) :—

1. Subject as herein-after provided the vendors being seised as such trustees as aforesaid of the lands and premises in this clause mentioned shall sell and convey to the said Company and the said Company shall purchase

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A.D. 1890. — for the considerations herein-after mentioned the fee simple in possession free from incumbrances of all those two pieces of land forming part of the grounds of the Royal Masonic Institution for Girls (herein-after called the said institution) in the parish of St. Mary Battersea in the county of Surrey as follows First—All that strip of land bounded on the west side thereof by the railway of the said Company and extending from the Bonteflower Road Bridge for the length of 219 feet or thereabouts containing 145 square yards or thereabouts Secondly—A small piece of land adjoining the Wandsworth Road and the railway of the said Company containing about 9 square yards or thereabouts and which said pieces of land with the dimensions thereof are more particularly delineated on the plan or tracing marked with the letter A and signed by or on behalf of the parties hereto and thereon coloured red over which piece of land first described the vendors shall for ever after the completion of the works herein-after referred to have an easement for horses carts carriages and otherwise up to the fence herein-after provided by clause 9 of these presents.

2. The said Company shall convey to the vendors the fee simple in possession free from incumbrances of all that piece or parcel of land situate in the said parish of St. Mary Battersea as aforesaid and lying between their said railway and the lands of the said institution and containing 975 square yards or thereabouts and which with the dimensions thereof is more particularly delineated on the said plan marked A and thereon coloured green and all other (if any) land belonging to the Company and lying between the said land coloured green and the lands of the said institution.

3. Each of the parties hereto shall accept without inquiry the title of the other party to the land herein-before agreed to be conveyed by such other party.

4. The said Company shall not by any Bill during the present session of Parliament seek to obtain compulsory powers for taking or using any portion of the lands of the said institution other than the said pieces of land coloured red on the said plan marked A and in accordance with the terms hereof.

5. The said Company shall not make or maintain or permit to be made or maintained in addition to their existing lines of railway more than one line of railway between the Wandsworth Road and Bonteflower Road or under such roads and no part of such railway (except the retaining wall) shall exceed a width of 16 feet measured in an easterly direction from the easternmost rail of the present down line.

6. The said Company shall construct and for ever thereafter maintain a good and sufficient retaining wall on and along the whole extent of the boundary of the institution as the same will be after the carrying into effect of the provisions of these presents from Wandsworth Road Bridge to the Bonteflower Road Bridge.

7. The said Company shall by means of iron cantilevers built into the said retaining wall construct and for ever afterwards maintain an overhanging roadway or garden from the side carriage gates on Bonteflower Road to the north end of the dustbin at the point marked Cross Section No. 1 on the

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said plan marked A and on the sheet of cross sections marked B and which has also been signed by or on behalf of the parties hereto. A.D. 1890.

8. The said Company shall fill in and make up to the level of the adjoining ground of the Royal Masonic Institution for Girls the whole of the said land coloured green on the said plan marked A the Company making due allowance for subsidence.

9. The said Company shall erect and for ever thereafter maintain on the top of the said retaining wall from the Wandsworth Road Bridge to the point marked Cross Section No. 1 on the said plan and on the overhanging portion of the same from the last-mentioned point to the Bonteflower Road Bridge so as to extend the entire length between the said bridges a close oak fence 5 feet 6 inches high at the outside edge of such retaining wall or overhanging portion of the said wall and shall in addition erect and for ever thereafter maintain a trellis work 4 feet high along such overhanging portion above the top of the said fence The posts for the fencing of the overhanging portion to be of iron securely bolted to the iron cantilevers.

10. The said Company may take down the present wall piers and gates at the western carriage entrance to the junior school in the Wandsworth Road but shall with all convenient speed re-erect the same to the eastward of the present gates but as near as possible to the original site thereof as the acquisition of the said piece of land secondly described in clause 1 of these presents will admit of.

11. The said Company shall re-build or make good all damage or injury which may happen or be occasioned to the ground or any of the buildings of the said institution for the space of twelve calendar months after the entire completion of the works of the said railway by reason of the works or the execution thereof by the Company or by the working of their railway.

12. During the execution of their works the said Company shall so arrange the same as not to impede the free access of carts or carriages passing from or to the Bonteflower Road to or from the domestic offices or the infirmary of the said institution either by the gate to the westward of the lodge or the main gate to the eastward thereof and shall erect and maintain and as the works proceed from time to time alter and shift the position of suitable hoarding ten feet high to screen the works and workmen from the observation of the inmates of the institution.

13. The plans and specifications of all works to be done on or in relation to the said pieces of land so coloured red or green on the said plan marked A or by reason hereof shall before the commencement of such works be submitted to and approved in writing by the engineer for the time being of the said institution who shall within twenty-eight days after submission either approve or disapprove of the whole or any part thereof with or without modification and should he disapprove the same or any part thereof and the said Company decline to alter such plans and specifications so as to meet with his approval the plans and specifications and matters in difference shall be referred to the President of the Institute of Civil Engineers or anyone appointed by him and his decision shall be final and the plans and specifications shall stand or be modified in accordance therewith.

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14. The whole of the works in accordance with such plans and specifications shall be carried out to the approval of the engineer for the time being of the said institution.

15. The said Company shall give fourteen days notice in writing to the secretary of the said institution at Freemason's Hall Great Queen Street Lincoln's Inn Fields of the said Company's intention to commence the works And the trenches shall be taken out only in short lengths and be securely timbered and secured by close boarding and maintained until directed by the said engineer for the time being of the said institution to be removed.

16. When the works are commenced they shall be continuously and promptly proceeded with and completed without delay.

17. In the event of the said engineer for the time being of the said institution considering it necessary either before or during construction of the works of the said Company that the buildings or any portion of the said institution shall be pinned up with timber or the foundations underpinned or both such engineer may call upon the Company to undertake such pinning or underpinning Provided nevertheless that if the engineer for the time being of the Company shall consider any such requisition unnecessary the matter shall be referred to the President of the Institution of Civil Engineers or any one appointed by him and the decision of the said President or of his said nominee shall be final.

18. Nothing herein shall alter prejudice or affect the order of the High Court of Justice made on the 4th day of October 1889 in the cause of Lord Leigh and others against the Vestry of St. Mary Battersea.

19. The said Company shall pay to the vendors the sum of £5,000 and such sum together with the land mentioned in the second paragraph hereof and the works herein-before described shall be accepted by the vendors in full compensation for the said pieces of land so coloured red on the said plan marked A subject to the perpetual easement mentioned in clause 1 hereof and any inconvenience which shall be caused to the vendors or the said institution by the operations of the Company thereon and also all damage and injury save as herein-before specially provided such sum shall be paid on the 31st day of December 1890 and on or previously to the same day the conveyance of the said piece of land mentioned in clause 2 hereof shall be duly executed by the said Company and delivered to the vendors and on receipt of such sum of £5,000 and of such last-mentioned conveyance the vendors shall duly convey to the said Company the said pieces of land so coloured red on the said plan marked A subject to the said easement.

20. This Agreement shall be inserted in a schedule to the Bill being promoted by the said Company in the present session of Parliament and all necessary and proper words shall be introduced into such Bill by the said Company to make this Agreement in all respects binding by force of statute upon the said Company and its assigns and so far as the lands of the said institution are concerned such Bill shall only seek and the said Company shall only consent to the same Bill being passed into an Act which shall contain powers for the said Company to acquire only the said pieces of land so

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coloured red on the said plan marked A and upon the terms and subject to the stipulations in all respects of this Agreement. A.D. 1890.

21. This Agreement is also made subject to such alterations as Parliament may think fit to make herein but if the committee on the Bill shall make any material alteration in the same either party may put an end hereto by giving to the other notice in writing within seven days after the committee shall have made such material alteration herein.

22. The whole of the foregoing portion of the Agreement is conditional upon the said Bill now being promoted by the said Company in the present session of Parliament passing into an Act during the present session of Parliament and thereby authorising the construction of Widening No. 1 therein described and also upon the Company deciding to proceed with such Widening No. 1 (such decision however to be notified to the secretary of the said institution on or before the 30th day of November 1890) but in any event the said Company shall pay to the vendors all the costs of the vendors as between solicitor and client of and incidental to the vendors opposing and preparing to oppose the said Bill and of attending the sittings of the committees to which such Bill has been or shall be referred for the purpose of seeing that such Bill as it leaves each of such committees shall be in accordance with these presents and of all the negotiations for the compromise contained in these presents including the fees of the surveyors of the vendors and of the said conveyances and otherwise of carrying this Agreement into effect including the fees of the said engineer of the institution up to the final completion of the works and in case of a reference to the said President of the Institution of Civil Engineers or his nominees the cost of such reference All such costs in case of dispute to be taxed as between solicitor and client.

23. This Agreement so far as the vendors are concerned is subject to confirmation at a quarterly or special court of the governors and subscribers of the Royal Masonic Institution for Girls.

In witness whereof to these presents the vendors have hereunto set their respective hands and the Company have caused their common seal to be affixed the day and year first above written.

THE THIRD SCHEDULE.

ARTICLES OF AGREEMENT made the 22nd day of May 1889 between the LONDON BRIGHTON AND SOUTH COAST RAILWAY COMPANY (herein-after called the Company) of the one part and the MAYOR ALDERMEN AND BURGESSES of the borough of Croydon in the county of Surrey (herein-after called the Corporation) of the other part as follows (that is to say) :—

1. Subject to the sanction of Parliament as herein-after mentioned and upon the terms hereof the Company agree to sell and the corporation agree to purchase at the price of eleven thousand five hundred pounds First all those

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2. The said premises to be sold and purchased were acquired by the Company under the authority and for the purposes of the London Brighton and South Coast Railway (Additional Powers) Act 1864 but the corporation shall not be entitled to require the production or delivery of copies or abstracts of the said Act or of any other Act or Acts relating to the Company or to investigate or question the powers of the Company in respect of the said premises or any part thereof or their compliance with the requirements of the said Act or any other Act or Acts of the Company as to the acquisition of

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the said premises or any part thereof or to require any evidence that the time for the sale of lands acquired under the said Act as superfluous land is still open or to inquire as to any right to sell as surplus land or raise any question of such sale.

3. The title to be deduced by the Company shall be the several conveyances to them of the said premises to be sold and purchased. The corporation shall assume that the Company had full powers to acquire the property conveyed by the said several conveyances and that they will have full power when the parliamentary sanction herein-after mentioned shall have been obtained and subject only thereto to sell and convey the same and that free from any rights of pre-emption or vesting and the corporation shall assume that no right of pre-emption or vesting exists. The corporation shall not make any objection or requisition to or upon or in respect of the title previous to the said several conveyances or any of them or to or upon or in respect of any document or circumstances or other act matter or thing prior to the said several conveyances or any of them whether arising by way of or upon recital in or reference to any of the said conveyances or otherwise and no objection shall be made on the ground of any of the said several conveyances which are all dated prior to the year 1888 being unstamped or insufficiently stamped.

4. The Company shall not be required to furnish any evidence of the identity or coincidence in boundary or otherwise of the said premises to be sold and purchased or any part thereof with the property described in the said several conveyances respectively except such as shall be afforded by the descriptions or plans in or upon such conveyances respectively and no objection shall be made by reason of any discrepancy of boundary. The said premises to be sold and purchased and every part thereof are believed and shall be taken to be correctly described herein and correctly delineated on the said plan and no error of description or delineation (if any such there be) shall annul this Agreement or the sale and purchase hereunder nor shall compensation be made or required in respect of such error and the said premises are sold with the benefit of and subject to all rights of way water drainage sewerage or other easements (if any) affecting the same.

5. The corporation shall not make any requisition or raise any objection to the completion of the purchase by reason of the Company being accountable to the Crown under any bond for the payment of duties on passengers or otherwise or by reason of any bond debenture or mortgage affecting any of their undertakings or property or by reason of any judgment Crown or other debt execution rule decree order pending suit or other proceeding of or in any court registered against them and appearing to be unsatisfied or unterminated (if any such there be) or by reason of any claim for compensation or other claim against the Company or require any release from or in respect of any such bond debenture mortgage judgment debt execution rule decree or order pending suit or other proceeding or claim.

6. Within fourteen days next after the date of the Royal Assent to the Act sanctioning this Agreement or the terms thereof and the sale and purchase hereunder the Company by their solicitors shall deliver to the corporation by their town clerk such an abstract of title as the corporation may be entitled to hereunder and the corporation shall within fourteen days there-

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7. The purchase money shall be paid and the purchase completed at the offices of the solicitors of the Company at the London Bridge Station Southwark S.E. at or before the expiration of two calendar months next after the date of the Royal Assent aforesaid and the conveyance shall be prepared by and at the expense of the corporation. And shall contain covenants for the purpose of carrying into effect the provisions of clauses 8 9 and 10 hereof and the engrossment thereof shall be left at the said offices of the solicitors of the Company at least ten days before the day appointed for the completion of the purchase for execution by the Company. The Company shall be entitled to have a duplicate of the conveyance executed by the corporation such duplicate to be prepared by and at the expense of the Company and to be left for execution by the corporation at the offices of the town clerk of the corporation at least ten days before the day appointed for completion of the purchase. Up to the date of completion the rents and profits shall be received and the outgoings cleared by the Company and from that date the outgoings shall be borne by the corporation who shall thereupon be let into possession and receipt of the rents and profits and so far as necessary such rents profits and outgoings shall be apportioned by the estates manager of the Company whose apportionment shall be final and binding upon the parties and the consent of the tenants (if any of the said tenancies shall then be unexpired) to such apportionment shall not be required. If from any cause whatever other than wilful default on the part of the Company the completion of the purchase be delayed beyond the aforesaid period of two months the purchase money shall bear interest at the rate of 4 per cent. per annum from the date of the expiration of such period to the day of actual payment of purchase money and completion of the purchase. All the abstracted deeds which relate exclusively to the said premises to be sold and purchased shall be handed to the corporation on completion and all other abstracted deeds will be retained by the Company who shall if required give the proper statutory acknowledgment of the right of the corporation to production thereof and to delivery of copies thereof and also the proper statutory undertaking for the safe custody thereof such acknowledgment and undertaking being incorporated in the conveyance.

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8. As part of the general arrangements between the Company and the corporation provided for by these presents the corporation will so far as they lawfully can consent to and acquiesce in an application by the Company to Parliament to permit the Company to close the footpath running in a diagonal direction across the Fairfield between the points C and E shown on the said plan and to fence the ends thereof at these points and the corporation shall at their own expense and so far as they lawfully can assist the Company in such application either by evidence or otherwise but the Company shall not under the provisions of this clause be entitled to require the corporation to become joint promoters of the Bill for obtaining such permission. Before actually closing such footpath the Company will allow (subject as herein-after provided) the passage by the public on foot over a strip of land belonging to them on the eastern side of their quickset hedge from the point G near the bridge carrying the Addiscombe Road over the main line of the Company near the East Croydon Station and running parallel with the railway bank to the point F at the bridge over the same line leading to the above-mentioned path running from Park Lane in an easterly direction and the Company will permit the said right of passage to continue unless and until it shall at any time become necessary for them to use the said strip for railway purposes of which fact they shall be the sole judges whereupon the user thereof as aforesaid shall be discontinued. Provided nevertheless that nothing herein contained shall impose any liability upon the Company to form or metal a footpath upon such strip of land to erect any fence or to repair cleanse or light any such path.

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9. The corporation shall and will immediately after completion of the sale and purchase hereunder at their own expense fence the strip of land fourthly above-described from the adjoining lands of the Company and shall and will throw the said strip into Park Lane and dedicate it to public use as part of Park Lane and at the same time and at the like expense the corporation shall and will fence so much of the pieces of land fifthly above-described as will be required for the said widening from the adjoining lands of the Company and shall and will throw such parts of the said pieces of land into the adjoining path and dedicate them to public use as part of the said path.

10. In the event of the corporation desiring to widen the bridge carrying Park Lane over the Central Croydon Railway to forty feet they shall be at liberty to take sufficient land of the Company for the purpose and the works of widening shall be carried out and completed by the corporation at their own expense and to the satisfaction of the engineer of the Company provided that if the corporation decide to remove the bridge and make a solid embankment the girders of the bridge and the materials forming the parapets thereof shall become the property of the Company and may be removed by them and the corporation will give the Company reasonable notice and time to effect such removal.

11. The Company shall and will at their own expense apply to Parliament in the session 1890 for authority to sell the said premises to be sold and purchased hereunder and to abandon the Central Croydon Railway or the portion thereof intended to be included in the sale and purchase and to close the said diagonal footpath across Fairfield and to abolish all rights

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12. It is hereby agreed and declared that this Agreement is made subject to parliamentary sanction and alteration and that if the parliamentary sanctions to be applied for under clause 11 hereof or any of them be refused this Agreement and all the provisions and conditions thereof shall thereupon be void and of no effect In witness whereof the Company and the corporation have caused their respective common seals to be hereunto affixed the day and year first above written.

The common seal of the London Brighton and South Coast Railway Company was hereunto affixed in the presence of

W. F. POLLOTT Assistant Secretary
the letter A in the eleventh line on the sixth page hereof having been altered to C.

L.S.

W. F. P.

The corporate seal of the borough of Croydon was affixed hereto by order of the council (the letter "A" in the fifth line of clause 8 having been previously altered to "C") in the presence of

J. W. HOBBS } Members of the
D. B. MILLER } Council.
C. M. ELBOROUGH Town Clerk.

L.S.

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