



### CHAPTER lxxxvii.

An Act to authorise the London and South Western Railway Company to construct a new Graving Dock at Southampton and to widen their Railway at Waterloo Station to confirm and give effect to an Agreement between the Most Noble William Duke of Devonshire and the Chiswick Local Board and the Company to confer further powers upon the Company and to make further provision with respect to their Undertaking and to confer further powers upon the Company and the London Brighton and South Coast Railway Company and the Midland Railway Company respectively in reference to Joint Lines and for other purposes.

A.D. 1893.

[29th June 1893.]

**W**HEREAS under the provisions of the Southampton Docks Act 1892 the undertaking of the Southampton Dock Company has been acquired by and is now vested in the London and South Western Railway Company (in this Act called "the Company") and it is expedient that the Company be authorised in connection with that undertaking to construct the graving dock quay or retaining wall and embankment herein-after described and to exercise the other powers herein-after in that behalf mentioned :

And whereas an agreement (a copy whereof is set out in the First Schedule to this Act and which is in this Act referred to as "the scheduled Southampton agreement") made the 19th day of November 1892 between the Mayor Aldermen and Burgesses of the borough of Southampton (in this Act called "the Corporation of Southampton") of the first part the Southampton Harbour Board of the second part and the Company of the third part has been made and entered into and it is expedient that the said agreement be confirmed:

And whereas by the Southampton Docks Act 1871 (which Act dissolved and re-incorporated the Southampton Dock Company and repealed the former Acts relating to that Company) section 127



A.D. 1893. of the Act of the sixth year of the reign of His late Majesty King William the Fourth chapter xxix. and sections 40 to 45 and 54 of the Act of the sixth and seventh years of the reign of Her Majesty chapter lxxv. (herein-after referred to as "the Act of 1843") were kept in force notwithstanding such repeal:

And whereas the sea-wall or embankment referred to in section 40 of the Act of 1843 has not been constructed and the lands on which such sea-wall or embankment would have been constructed were at the time of the making of the scheduled Southampton agreement subject to the provisions of section 45 of that Act for the reverter thereof to the Corporation:

And whereas the provisions of the said sections are no longer necessary and it is expedient and the Corporation of Southampton and the Southampton Harbour Board are willing as recited in the scheduled Southampton agreement that the said sections be repealed:

And whereas it is expedient that the Company be authorised to widen the lines of railway leading into their Waterloo Station:

And whereas it is expedient that the further powers herein-after contained be conferred upon the Company and that the other provisions contained in this Act be made in reference to their undertaking:

And whereas it is expedient that the Company be authorised to subscribe or contribute towards the cost of any roads or works to be constructed by the Mayor Aldermen and Burgesses of the borough of Bournemouth upon the undercliff or foreshore at Bournemouth as herein-after provided:

And whereas an agreement (a copy whereof is set out in the Third Schedule to this Act and which is in this Act referred to as "the scheduled Chiswick agreement") made the 24th day of June 1891 between the Most Noble William Duke of Devonshire (therein described and herein-after referred to as "the Duke of Devonshire") of the first part the Chiswick Local Board of the second part and the Company of the third part has been made and entered into with reference to the execution by the Duke of Devonshire of a road bridge and other works (in the said agreement and herein-after referred to as "the accommodation works") for improving the access to the Company's Chiswick station and for the stopping up by the Company of a level crossing over the Company's railway at that station for which the said road bridge would be in substitution and for the providing by the Company in the construction of their railway bridge over the River Thames at Barnes of a footway across that river (to the cost of which the Duke of Devonshire was to contribute) unless the said Duke should waive his requirement as to such footway:

And whereas it is expedient that the scheduled Chiswick agreement be confirmed and effect given thereto and that the Company be enabled in conformity therewith to stop up and discontinue for traffic the crossing herein-after mentioned of their railway on the level over the Chiswick and Richmond Road as soon as the works mentioned in the said scheduled agreement and therein referred to as the accommodation works have been completed :

And whereas it is expedient that the Company be authorised for the purposes of this Act to apply their funds and raise further moneys :

And whereas by section 16 of the Southampton Docks Act 1892 the Company, were empowered for the purposes of the sale and transfer to them of the undertaking of the Southampton Docks Company to create and issue debenture stock to a sufficient nominal amount to produce or be equivalent in value at the date of transfer to the total sum of £1,360,000 therein mentioned or to be equivalent in value to the less sum of £1,128,040 therein mentioned the terminable mortgage debentures of the said dock company amounting to £201,960 having been previously taken over and assumed by the Company and the loan of £30,000 therein mentioned by the Company to the said dock company having been paid off and cancelled as in the said Act before provided :

And whereas the said loan of £30,000 was made by the Company to the said dock company out of their revenue but is properly chargeable against capital :

And whereas it is expedient that the said section 16 of the Southampton Docks Act 1892 be amended in manner herein-after appearing :

And whereas by section 56 of the South Western Railway Act 1890 the Company were empowered within twelve months after the passing of that Act with such consent of their proprietors as thereby provided to resolve and determine to consolidate the whole or some of their then existing debenture stocks but the powers of that section have been only partly exercised and are now expired :

And whereas the Company's existing debenture stocks are—

—	Rate of Dividend.	Amount of Stock.
(1.) Debenture stock "A" issued in accordance with the resolution mentioned in section 72 of the South Western Railway (General) Act 1867 and having (but subject as in the said section mentioned) priority to and preference over the mortgage debt from time to time of the Company -	4. per cent.	£1,000,000 0 0



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	Rate of Dividend.	Amount of Stock.
(2.) Consolidated debenture stock "B" created and issued under sections 37 and 43 of the South Western Railway (Various Powers) Act 1877 and by that Act declared to rank next after the debenture stock "A"	4 per cent.	£5,703,946 0 0
(3.) Debenture stock created and issued under various Acts relating to the Company passed subsequently to the South Western Railway (Various Powers) Act 1877 (including debenture stock created by the Company under the Southampton Docks Act 1892)	3 per cent.	£3,065,190 10 0

And whereas the Company have no mortgage debt but are under liability to take over and assume the terminable mortgage debentures of the Southampton Dock Company under the provisions of the Southampton Docks Act 1892 :

And whereas the Company are desirous that the whole of their debenture stocks shall have one uniform rate of dividend of three per centum per annum and it is expedient that provision be made with that object but without prejudice to the priority now attaching to their debenture stock "A" :

And whereas the Company and the London Brighton and South Coast Railway Company (in this Act called "the Brighton Company") have acquired by agreement certain lands herein-after described and it is expedient that they be empowered to hold and use such lands for the purposes of their joint Portsmouth line and that the Company and the Brighton Company be empowered to stop up the footpath herein-after described which crosses on the level their joint Epsom and Leatherhead Railway :

And whereas it is expedient that the Company and the Midland Railway Company (in this Act called "the Midland Company") be empowered in connection with the Somerset and Dorset Railway vested in them jointly by way of lease to acquire compulsorily certain lands herein-after described :

And whereas plans and sections of the works authorised by this Act the plans showing also the lands required for the purposes of the said works and plans of the other or additional lands which may be compulsorily taken under the powers of this Act and books of reference to such plans respectively containing the names of the owners and lessees or reputed owners and lessees and of the

occupiers of those lands respectively were duly deposited with the respective clerks of the peace for the town and county of the town of Southampton and the counties of London Surrey Dorset Southampton and Somerset and are herein-after referred to as the deposited plans sections and books of reference :

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

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

1. This Act may be cited as the South Western Railway Act 1893. Short title.

2. The provisions of the Companies Clauses Consolidation Act 1845— Incorporation of general Acts.

With respect to the distribution of the capital of the Company into shares ;

With respect to the transfer or transmission of shares ;

With respect to the payment of subscriptions and the means of enforcing the payment of calls ;

With respect to the forfeiture of shares for nonpayment of calls ;

With respect to the remedies of creditors of the Company against the shareholders ;

With respect to the borrowing of money upon mortgage or bond ;

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

With respect to the consolidation of the shares into stock ;

With respect to the giving of notices ; and

With respect to the provision to be made for affording access to the special Act by all parties interested ;

the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 are (except where expressly varied by this Act) incorporated with and form part of this Act Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as may from time to time be required by the Board of Trade.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned Interpretation.



A.D. 1893. have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the metropolis" means the metropolis as defined by the Metropolis Management Act 1855 and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act in whole or in part incorporated with this Act shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Interpreta-  
tion of  
"parish  
clerks."

4. The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or places within the metropolis as defined by the Metropolis Management Act 1855 in which by the Standing Orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively and as regards those parishes in which there are no parish clerks mean the parish clerk of some adjoining parish.

Power to  
make works.

5. Subject to the provisions of this Act the Company may make and maintain the works described or mentioned in this section in the lines and in accordance with the levels shown on the deposited plans and sections relating thereto or some or one of those works or some part or parts thereof respectively together with all proper and sufficient bridges viaducts rails sidings junctions turntables stations banks sluices drains culverts dams groynes walls approaches roads buildings yards shipping-places wharves depôts warehouses sheds roofs watchhouses staiths jetties stairs landing-places stages quays gates entrances locks slips cranes hydraulic lifts dolphins buoys moorings mooring-chains sewers drains culverts pumping-stations and apparatus sluicing apparatus and other works buildings and conveniences connected therewith and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as may be required for those purposes. The works herein-before referred to and authorised by this section are—

- (1.) A gravings dock in the parish of Saint Mary in the town and county of the town of Southampton on the foreshore or mudlands of Southampton Water and of the Rivers Itchen

and Test or one of them together with an entrance into the said graving dock from and out of the Empress Dock; A.D. 1893.

- (2.) A quay or retaining wall in the said parish of Saint Mary commencing at or near the South Pier Head of the Empress Dock and extending thence in a south-eastern direction for about 110 yards thence in a southerly direction (along the western side of the River Itchen) for about 520 yards thence in a westerly direction for about 65 yards and thence in a north-westerly direction (along the eastern side of the River Test) for about 500 yards and there terminating;
- (3.) An embankment in the said parish of Saint Mary commencing at or near the termination of the quay or retaining wall above described and terminating by a junction with the existing embankment lately belonging to the Southampton Dock Company and now to the Company on the western side of the Empress Dock;
- (4.) A widening in the parish of Saint Mary Lambeth in the county of London of the lines of railway leading into the Company's Waterloo Station commencing near York Street Lambeth and terminating at a point about a chain and a half north from the commencement of the said widening.

6. In constructing the works by this Act authorised the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may except in the case of the widening herein-before authorised deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade. Limits of deviation.

7. The Company shall at the outer extremity below high water of their works hereby authorised exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of the Trinity House of Deptford Strond shall from time to time direct If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds. Company to exhibit lights.

8. The Company shall on or near the works below high-water mark hereby authorised during the whole time of their construction exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve If the Company fail to comply in Lights on works.



A.D. 1893. — any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Abatement of works abandoned or decayed.

9. If any of the works constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal waters are abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of them and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Works below high-water mark not to be commenced without consent of Board of Trade.

10. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Survey of work by Board of Trade.

11. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal waters or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Surveys to be made of Southampton Water and of Rivers Itchen

12. The survey of Southampton Water and of the Rivers Itchen and Test in the vicinity of the Southampton Dock works made by Commander Frederick W. Jarrad R.N. a surveyor appointed for the purpose by the Board of Trade during the months of January



and February one thousand eight hundred and ninety-three and deposited with the Board of Trade shall be deemed the criterion of the depth of the waters so surveyed at the time of the making of such survey and to show the standard of depth herein-after referred to.

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and Test  
within a cer-  
tain distance  
of Company's  
works &c.

At any time after the commencement of the works by this Act authorised the Company shall whenever and as often as the Board of Trade shall direct cause a further survey or further surveys to be made by an engineer or surveyor to be appointed by the Board of Trade under the hand of the secretary or an assistant secretary of that Board of Southampton Water and of the Rivers Itchen and Test or any or either of them within the distance of four hundred yards from any part of any works constructed or in course of construction by the Company under the powers of this Act or of any lands upon which the Company under the powers of this Act or otherwise have deposited or may be depositing spoil or other materials (such distance of four hundred yards being herein-after referred to as "the specified limits").

A copy of any such survey as aforesaid certified under the hand of the secretary or an assistant secretary of the Board of Trade shall be deemed to be evidence of the depth of the said waters within the specified limits at the time of the making of such survey and shall be evidence in all courts and places of all matters therein stated and contained.

**13.** If the Board of Trade shall at any time consider the navigable waterway of Southampton Water or of the River Itchen or of the River Test within the specified limits to be or to have been damaged or deteriorated or the depth therein lowered to less than the standard of depth by reason of the operations of the Company the Company shall for ever thereafter at their expense maintain such standard depth of water within the specified limits by all such artificial appliances and works of maintenance as the Board of Trade shall think necessary and shall prescribe in that behalf :

If waters of  
Southampton  
Water or  
Rivers Itchen  
or Test  
lowered by  
operations of  
Company  
they shall for  
ever after at  
their expense  
maintain the  
depth ar-  
rived at by  
last standard.

Provided that the specified limits shall not for the purposes of this section extend north of an imaginary line drawn due west of the northernmost point of the land in the parish of Saint Mary Southampton shown on the deposited plans :

Provided also that nothing in this or the last preceding section shall relieve the Company from any obligations under Article 4 of the scheduled Southampton agreement.

**14.** If the Company shall not proceed with the necessary works to repair or remedy any or every such damage or deterioration within one month after notice given by the Board of Trade to the

Company to  
repair  
damage or  
deterioration

A.D. 1893. Company (such notice to be addressed to the secretary of the Company and to be served by being delivered personally or sent by post addressed to him at the chief offices of the Company at Waterloo Station) the Company shall forfeit to the Board of Trade twenty pounds for every day during which such damage or deterioration shall have existed after the expiration of one month from the service of the said notice and each and every such penalty shall be a debt due to Her Majesty by the Company and if not paid on demand may be recovered as a debt due to the Crown together with the costs of suit in any court of competent jurisdiction.

within one month or forfeit £20 a day.

Cost of surveys to be paid to the Board of Trade.

15. The Company shall defray all the costs and expenses of the surveys aforesaid from time to time and all other expenses which may be incurred by any inquiry which the Board of Trade shall at any time require to be made in order to determine any matter in relation to the said waters within the specified limits and the amount thereof shall be a debt due to Her Majesty from the Company and if not paid on demand may be recovered as a debt due to the Crown with costs of suit in any court of competent jurisdiction.

Power to dredge.

16. The Company may with the consent in writing of the Board of Trade and in accordance with the regulations of the Southampton Harbour Board from time to time deepen dredge scour cleanse and improve the bed shores and channel of Southampton Water and of the Rivers Itchen and Test and may use and appropriate the soil and material thereof respectively and the Company and the Southampton Harbour Board may from time to time enter into and carry into effect vary and rescind agreements with respect to the exercise of all or any powers conferred upon the Company by this section.

Power to impound water from Southampton Water and Rivers Itchen and Test.

17. The Company may from time to time take divert and impound water from Southampton Water and the Rivers Itchen and Test for the purpose of supplying the graving dock by this Act authorised and the works connected therewith with water.

Purchase of part of bed and shore of Southampton Water and Rivers Itchen and Test.

18. Subject to the provisions of this Act the Company may purchase and acquire compulsorily or by agreement and may hold and apply for any purposes of their undertaking certain lands shown on the deposited plans and described in the deposited books of reference forming part of the bed and shore of the Southampton Water and of the Rivers Itchen and Test or one of them in the said parish of Saint Mary and the parish of All Saints or one of them in the town and county of the town of Southampton and bounded towards the north-east and north by property of the Company lately belonging



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to the Southampton Dock Company on the east and south by the quay or retaining wall by this Act authorised and on the south-west partly by that quay or retaining wall and partly by an imaginary line drawn north-westward in direct extension of the south-western side of the said quay or retaining wall and the Company may reclaim by means of the intended works or any of them land from Southampton Water and the Rivers Itchen and Test or either of them and the said lands when so purchased or acquired by the Company shall for all purposes be deemed thereafter to be in the said parish of Saint Mary.

**19.** The limits within which the powers of any dockmaster or other official appointed by the Company may be exercised shall include the docks of the Company transferred to them from the Southampton Dock Company and the graving dock quay and embankment and other works in connection therewith authorised by this Act and all lands acquired by the Company under the last preceding section or otherwise in connection with the said docks and works. Provided that nothing in this section contained shall interfere with the jurisdiction of the Southampton Harbour Board.

Limits of powers of dockmaster &c.

**20.** The agreement (a copy whereof is set out in the First Schedule to this Act) between the Corporation of Southampton the Southampton Harbour Board and the Company is hereby confirmed and made binding upon the parties thereto and (the Local Government Board having approved of the sale by the Corporation of the lands mentioned in the said agreement) the same shall be carried into effect accordingly and the provisions of section 127 of the Act 6 William IV. chapter XXIX. and of sections 40 41 42 43 44 45 and 54 of the Act 6 and 7 Victoria chapter LXV. shall be and the same are hereby repealed.

Confirming agreement with Corporation of Southampton and Southampton Harbour Board.

**21.** For the purpose of demanding and recovering rates rents and dues and (subject to the powers of this Act) for all other purposes the graving dock quay and embankment and other works in connection therewith by this Act authorised shall be deemed part of the dock undertaking acquired by and vested in the Company under the provisions of the Southampton Docks Act 1892.

Dock rates.

**22.** For the purpose of demanding and recovering tolls rates and charges and for all other purposes the widening of the Company's lines of railway by this Act authorised shall be deemed part of the Company's main line of railway.

Tolls &c. on railway widening.

**23.** The following provisions shall apply and have effect for the protection of Messieurs A. and W. T. Richardson their heirs and assigns being the owners for the time being of the premises known

For the protection of Messrs. A. and W. T. Richardson.



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as Brunswick Lodge and Brunswick Wharf in the parish of Saint Mary Lambeth all of whom are herein-after included in the expression "Messrs. Richardson":—

- (1.) The Company shall before giving notice to treat for the said premises or any part thereof provide for Messrs. Richardson a riverside site substantially as convenient and suitable as the said premises for the purposes of the business now carried on by them at the said premises such site shall be on the same side of the river as and between the said premises and the Albert Embankment;
- (2.) Any question or difference as to whether the site to be provided by the Company under this section is substantially as convenient and suitable as the said premises for the purposes of the said business shall be determined by arbitration in accordance with the provisions of the Lands Clauses Consolidation Act 1845 with respect to the settlement of disputed questions of compensation and the arbitrator or umpire shall in such arbitration be entitled to award compensation to Messrs. Richardson if the site so provided though substantially as convenient and suitable for the purposes aforesaid is not in all respects equally convenient and suitable or not so valuable as the said premises;
- (3.) The Company shall also pay to Messrs. Richardson such sum as may be necessary to enable them to construct and fit up on the said site buildings in every respect as convenient for the purposes of their said business as the buildings on the said premises and also the expenses which they may incur or be put to in removing their stock from the said premises to the said site and compensation for any damage to or depreciation of their stock or interference with their said business caused by such removal the amount so to be paid in case of difference to be settled by arbitration in manner aforesaid;
- (4.) The said site shall be conveyed to Messrs. Richardson for an estate in fee simple free from encumbrance and possession thereof given to them at least six months before the Company take possession of the said premises.

Height and span of a certain bridge.

**24.** The Company shall in the event of their widening their railway between Addington Street and Griffin Street in the parish of Saint Mary Lambeth on the west side thereof so construct the bridge for carrying the widening over York Street that no part of the structure or girders of such bridge shall in any case be at a lower level than the underside of the structure or girders of the portion of the existing bridge immediately adjoining such widening and that the span of such bridge shall not in any case be less than



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the span of the portion of the existing bridge immediately adjoining such widening and the Company shall pay for such additional lighting as shall be rendered reasonably necessary by reason of such widening so as efficiently to light the roadway under such bridge and the widenings thereof and such bridge constructed as aforesaid shall be of a reasonably ornamental character and design and faced with white glazed bricks and be made and maintained so as to prevent as far as is reasonably practicable the dripping of water therefrom on any part of the street or any 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 bridge shall be carried up to a height sufficient effectually to hide from view of the street trains passing over such bridge.

**25.** The Company shall not execute or commence the execution of any such bridge or works as aforesaid until they shall have given to the London County Council twenty-one days' notice in writing of their intention to commence the same by leaving such notice at the office of the said council with plans elevations sections and other necessary particulars of the construction of the said bridge and works and until the said council shall have signified their approval of the same unless the said 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 said council in the execution and subsequent maintenance of any such bridge and the works connected therewith and shall save harmless the said 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 said council at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said 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 said council by the Company on demand.

Plans &c. of bridges to be submitted to the council.

**26.** The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act or upon any building or hoarding and whether during or after the construction of the works within view of any public street within the county of London any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the London County Council and if any such placard or

Exhibition of placards in the county of London.

A.D. 1893. advertisement be affixed or exhibited without such approval the council and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the outside of any station the name thereof and placards giving information to the public as to the traffic of the Company.

Buildings not to be brought beyond general line &c.

27. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway or without the consent of the London County Council to erect or maintain any building beyond the general line of building in any street.

Buildings to be subject to Metropolitan Buildings Act.

28. Any buildings erected on any land acquired under this Act (except such buildings or parts of buildings as may be used for the purposes of railway works or a station) shall be subject to the provisions of the Acts relating to buildings in the metropolis.

As to widening existing bridge over York Street Lambeth.

29. If at any time after the passing of this Act the London County Council shall consider it desirable that such portion of the existing bridge carrying the railway of the Company over York Street in the parish of Saint Mary Lambeth as is of less width between the abutments than forty feet shall be widened and improved the London County Council may give to the Company notice in writing under their common seal requiring them to alter such portion of the existing bridge carrying the railway of the Company over that road and to reconstruct the same as a girder bridge with the superstructure at the same level as already exists and with a clear span throughout on the square of forty feet and the Company shall alter and reconstruct the said bridge accordingly so as to correspond as to span and level of underside of superstructure with the existing bridge over the said road. Provided that the London County Council shall repay to the Company the necessary and proper cost of the alteration of the existing bridge to which the notice relates and the cost of any land to be purchased for the purpose and of the works incidental thereto.

For protection of sewers in the metropolis.

30. 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 London County 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 said council or by any such board or vestry or shall or may in any way affect the sewerage or drainage



of the districts under their or either of their control the Company shall not commence such works until they shall have given to the said council or to the vestry or district board 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 for the time being of such council vestry or district board as the case may be with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such council vestry or district board respectively shall have signified their approval of the same unless such council vestry or district board 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 said council and of the respective vestry or district board as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such council vestry or district board 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 said council and every such vestry and district board respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the said council vestry or district board as the case may be at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said council or any vestry or district board 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 such council vestry or district board by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said council vestry or district board as the case may be respectively as any sewers or works now or hereafter may be.

**31.** If and while the Company are possessed under this Act of any lands in the parish of Saint Mary Lambeth assessed or liable to be assessed to any sewers rate main drainage rate lighting rate or general purposes rate they shall from time to time until the works for the purposes for which the Company are by this Act authorised

Company to make good parochial rates until works are assessed.



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

Period for completion of works.

**32.** If the works herein-before described and authorised by this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Confirming diversion of footpath at Bursledon.

**33.** The diversion (as the same has been carried into execution) by the Company of the footpath in the parish of Bursledon in the county of Southampton situate on the east side of the railway at Bursledon Station and the application by the Company of its funds and revenues to the purposes of such diversion are hereby sanctioned and confirmed.

Power to take additional lands for general purposes.

**34.** Subject to the provisions of this Act the Company may for widening enlarging extending and improving their railways and stations and siding accommodation and for roads and approaches and for taking and getting ballast and for depositing spoil and for all or any other purposes of their undertaking enter upon take hold and use the whole or any part or parts of the lands and buildings next herein-after mentioned shown on the deposited plans and described in the deposited books of reference (that is to say) :—

(A.) Land and houses in the parish of Saint Mary Lambeth in the county of London lying between York Road York Street Griffin Street and the Company's station and lines at Waterloo ;

(B.) Lands and buildings in the said parish of Saint Mary Lambeth abutting on the south-west side of Westminster Bridge Road and lying between Carlisle Street and the house numbered 101 in Westminster Bridge Road and extending south-westward to the lands acquired or authorised to be acquired by the Company ;

And upon the purchase or acquisition by the Company of the said lands (A) and (B) above described the Company may stop up the streets roads or places in the said parish known as Mount Gardens Cottage Place and North Terrace ;

(c.) Lands and houses at Vauxhall in the parish of Saint Mary Lambeth aforesaid situate on the east side of the Company's



railway at Vauxhall Station and lying between Upper Kennington Lane on the south and Spring Gardens Walk on the north and Goding Street on the east and known as Numbers 30, 32, 34, 36, 38, 46, 48, 50, 52 and 54 Goding Street and 218 Upper Kennington Lane ;

(D.) Lands and buildings in the parish of Saint Mary Lambeth aforesaid known as Brunswick Lodge and Brunswick Wharf lying between Wandsworth Road and the River Thames and the Company's wharf and property and the property of the South Metropolitan Gas Company ;

(E.) Lands and buildings in the parish of Barnes in the county of Surrey abutting and on the south side of the Company's railway and extending along the same in an easterly direction for about 5 chains from the bridge carrying Queen's Road over that railway on the east side of Barnes Station and lying between that railway and Gipsy Lane and abutting on the north-eastern side of Gipsy Lane along which the said lands extend for a distance of about  $5\frac{1}{2}$  chains from the aforesaid bridge ;

Notwithstanding anything in this Act or shown on the deposited plans the Company shall not acquire any greater portion of the properties numbered respectively on the deposited plans 1 2 and 3 in the parish of Barnes than the portion of land coloured red on the plan signed by Samuel Bircham on behalf of the Company and Ebenezer Cobb Morley on behalf of the trustees of Barnes Workhouse Charity dated the twenty-fourth April one thousand eight hundred and ninety-three ;

(F.) Lands in the parishes of Lady Saint Mary Wareham and Morden in the county of Dorset abutting and upon the south-east side of the Company's Southampton and Dorchester Railway and lying between two points distant respectively about  $23\frac{1}{2}$  chains and 53 chains south-westward (measured along the said railway) from the public road level crossing at Wareham Station ;

(G.) Land and buildings in the parish of East Molesey in the county of Surrey abutting and on the east side of the Company's Hampton Court Railway at Hampton Court Station and being about a chain in width and extending in a northerly direction from the River Ember about  $10\frac{1}{2}$  chains ;

(H.) Lands and buildings in the parish of Christchurch in the county of Southampton to the rear of and adjoining the houses Numbers 1 to 6 Eastcliffe Villas in Southcote Road Bournemouth ;

(I.) The four houses numbered 16, 17, 18 and 19 Nelson Street in the parish of Saint Mary in the town and county of the town of Southampton ;

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(K.) Lands in the same parish lying between the Company's railway the passage leading to Anglesea Cottages and Glebe Road.

In the event of the Company acquiring the buildings fronting on to the Westminster Bridge Road or any portion thereof and pulling down the same the erection in substitution for the buildings so pulled down shall be of a reasonably ornamental character and completed to the reasonable satisfaction of the surveyor for the time being of the vestry of the parish of Saint Mary Lambeth.

Nothing in this Act contained shall empower the Company to deposit spoil except for the purposes of constructing works thereon in the parish of Saint Mary Lambeth unless with the consent of the surveyor for the time being of the vestry of that parish.

Company may hold certain lands already acquired.

**35.** The Company may hold use and apply for any of the purposes of their undertaking the lands houses and property already acquired by the Company and described in the Second Schedule to this Act which shall be read and have effect as if it were incorporated in and formed part of this section but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance having been or being caused or permitted by them upon any lands houses or property acquired by them as aforesaid and to which this section relates.

Easements &c. may be granted by incapacitated persons.

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

Vesting sites of roads &c. stopped up and extinguishing rights over same.

**37.** The sites and soil of so much as under the powers of this Act the Company shall stop up and discontinue for public traffic of any road street or footpath are by this Act vested (as to so much thereof as is bounded on both sides by land of the Company) in the Company and (as to so much thereof as is bounded on both sides by land of any other person) in such other person and (as to so much thereof as is bounded on opposite sides by lands belonging to different persons) in such owners respectively to the centre of the said road street or footpath in proportion to the respective frontages of their lands thereto and all public and private rights of way or passage and all other rights across over or along the same shall be by this Act extinguished. The provisions of the Railways Clauses



Consolidation Act 1845 with respect to mines lying under or near the railway shall apply to the lands so vested in the Company as if such lands had been purchased by the Company but the mines had not been expressly purchased. A.D. 1893.

**38.** The Company may by agreement from time to time purchase additional land for any of the extraordinary purposes specified in the Railways Clauses Consolidation Act 1845 connected with their general undertaking not exceeding in quantity ten acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section. Lands for extraordinary purposes.

**39.** The powers of the Company under this Act for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

**40.—(1.)** The Company shall not under the powers of this Act purchase or acquire in any parish within the metropolis twenty or more houses or in any other city borough or urban sanitary district or outside the metropolis in 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 the Company— Restrictions on displacing persons of labouring class.

(A.) 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 be) 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.) Shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) 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 be) to any scheme under this section may be given either absolutely or conditionally and after the



A.D. 1893. — said Secretary of State or the Local Government Board (as the case may be) 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 be) may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(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 (as the case may be) 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 be) out of the High Court.

(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 be) 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 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 date of such scheme 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 be) may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) 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 or the Local Government Board (as the case may be) may direct any inquiries to be held which they 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 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.



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(12.) 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.

(13.) Any houses on any of the lands shown on the deposited plans or specified in the Second Schedule to this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which 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 said Secretary of State or the Local Government Board (as the case may be) under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth 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 said Secretary of State or the Local Government Board (as the case may be) is unable to ascertain 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 or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

(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.

Company  
may sub-  
scribe to cost  
of roads at  
Bourne-  
mouth.

41. The Company may with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened with notice of this object from time to time subscribe or contribute any sum not exceeding in the whole ten thousand pounds which may be mentioned in the resolution authorising the subscription or contribution towards the cost of any roads or works to be constructed by the Mayor Aldermen and Burgesses of the borough of Bourne-mouth upon any part or parts of the undercliff or foreshore at



Bournemouth in the parishes of Holdenhurst and Christchurch in the county of Southampton or either of them and such subscription or contribution shall be deemed to be one of the purposes for which the Company are herein-after authorised to apply their funds. A.D. 1893.

42. The scheduled Chiswick agreement is hereby confirmed and made binding upon the parties thereto and upon the completion of the accommodation works mentioned in the scheduled agreement the Company in conformity therewith may stop up and discontinue for traffic the crossing of their railway on the level over the Chiswick and Richmond Road immediately to the north-westward of the Company's Chiswick Station. Confirming scheduled Chiswick agreement.

43. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which by any previous Act or Acts they are authorised to raise by shares stock debenture stock or borrowing and which are not by the Act or Acts under which they are authorised to be raised made applicable to any special purposes or which being so made applicable are not required for such special purposes. Power to apply funds.

44. The Company from time to time may for all or any purposes of this Act (other than the purchase of lands by this Act authorised for the purposes of the Somerset and Dorset Railway) and for the general purposes of the Company (being purposes to which capital is properly applicable) raise by new shares or new stock (whether ordinary or preferential or both) any amount or amounts of capital not exceeding one million pounds. Power to raise further money for purposes of this Act.

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

46. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

47. If any money be 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.

48. The provisions of sections 47 to 70 (both inclusive) of the South Western Railway (Additional Powers) Act 1862 with respect to preferential shares and stock and the cancellation of shares and stock and the issue of new shares or stock instead of cancelled shares Provisions of Company's Act of 1862 to extend to Company's

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—  
shares and  
stock under  
this Act.

or stock and with respect to voting for shares or stock and otherwise respecting shares and stock shall extend to this Act with respect to the Company and the shares and stock which by this Act they are authorised to create and issue.

Further bor-  
rowing  
powers to the  
Company.

**49.** The Company may from time to time (in addition to any sums which they are for the time being authorised to borrow) borrow on mortgage of their undertaking in respect of their additional capital of one million pounds which they are by this Act authorised to raise any sum or sums not exceeding in the whole three hundred and thirty-three thousand three hundred and thirty pounds and of the last-mentioned sum they may borrow thirty-three thousand three hundred and thirty-three pounds in respect of every one hundred thousand pounds of the said capital of one million pounds :

Provided always that no part of any such sum of money shall be borrowed by the Company under the powers of this Act unless and until the portion of additional capital by this Act authorised in respect of which it is to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such portion of additional capital has been issued and accepted and that one half thereof has been paid up and not less than one fifth part of the amount of each separate share in so much of such portion of capital as is to be raised by means of shares has been paid on account of such shares before or at the time of the issue or acceptance thereof and that stock for one half of so much of such portion of 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 and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if any part of such portion of capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Existing  
mortgages to  
have priority.

**50** All mortgages granted by the Company in pursuance of any Act passed before the passing of this Act and subsisting at the time of the passing of this Act shall during the continuance thereof respectively have priority over any mortgages to be granted by



[56 & 57 VICT.] *South Western Railway Act*, 1893. [Ch. lxxxvii.]

virtue of this Act Provided that this section does not apply to any mortgage from time to time granted by the Company in accordance with section 21 of the *South Western Railway (General) Act 1865* or section 60 of the *South Western Railway (General) Act 1867*. A.D. 1893.

51. Section 57 of the *South Western Railway Act 1891* for appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or proceedings now pending under the provisions of that section or any of them. Provisions as to appointment of receiver repealed.

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

53. The Company may create and issue debenture stock subject to the provisions of Part III. of the *Companies Clauses Act 1863* and section 53 of the *South Western Railway Act 1890*. Debenture stock.

54. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall except as by this Act otherwise provided be applied only for purposes to which capital is properly applicable. Application of moneys.

55. Sections 18 19 and 20 of the *Companies Clauses Consolidation Act 1845* shall be deemed and construed to include and apply to all or any stock of the Company formed or to be formed by consolidation of shares into stock and all or any debenture stock of the Company created or to be created by the Company and interest on any such stock as if such stocks and interest respectively had been expressly named in the said sections. Sections 18 19 and 20 of *Companies Clauses Consolidation Act 1845* applied to consolidated stocks and debenture stock.

56. Section 16 of the *Southampton Docks Act 1892* shall be read and have effect as if it were in the following words and figures (that is to say):— Amending section 16 of *Southampton Docks Act 1892*.

“The railway company may for the purposes of the sale and  
“ transfer by this Act authorised subject to the provisions  
“ of Part III. of the *Companies Clauses Act 1863* and of  
“ section 53 of the *South Western Railway Act 1890* create  
“ and issue debenture stock bearing interest at the rate of  
“ three per centum per annum to a nominal amount not  
“ exceeding in the whole one million three hundred and sixty  
“ thousand pounds Provided that of that stock or the proceeds  
“ thereof the Company shall apply two hundred and one



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“ thousand nine hundred and sixty pounds in paying off as  
“ and when they fall due the terminable mortgage debentures  
“ of the dock company to that amount which shall be taken  
“ over and assumed by the railway company and for no other  
“ purpose And provided further that the railway company  
“ shall out of the proceeds of the said stock repay the amount  
“ of the said loan of thirty thousand pounds which loan was  
“ advanced by the railway company.”

Creation of  
“ Debenture  
stock A ”  
and “ Con-  
solidated  
stock.”

**57.** There are hereby created two several debenture stocks of the Company which shall be called respectively and are herein-after respectively referred to as “ London and South Western Railway Three per centum Debenture Stock A ” (herein-after called “ debenture stock A ”) and “ London and South Western Railway Three per centum Consolidated Debenture Stock ” (herein-after called “ the consolidated stock ”) and which shall respectively bear interest at the rate of three per centum per annum upon the respective nominal amounts thereof herein-after mentioned.

Amount  
vesting and  
ranking of  
debenture  
stock A.

**58.** Debenture stock A created by this Act shall be of the nominal amount of one million three hundred and thirty-three thousand three hundred and thirty-three pounds six shillings and eightpence and on the tenth day of January one thousand eight hundred and ninety-four shall be by this Act vested in the registered holders on that day of the Company’s existing debenture stock A in proportion to and in substitution for their then respective holdings of that stock Debenture stock A under this Act shall rank for interest in priority to and have preference over the consolidated stock by this Act created and to and over the mortgage debt from time to time of the Company.

Amount  
vesting and  
ranking of  
consolidated  
stock.

**59.** The consolidated stock created by this Act shall in the first instance be of such nominal amount as that the interest thereon at three per centum per annum shall be equal to the aggregate of the interest on all the debenture stocks of the Company for which consolidated stock is to be substituted as herein-after provided and shall on the said tenth day of January one thousand eight hundred and ninety-four be by this Act vested in the registered holders on that day of the then existing debenture stocks of the Company other than debenture stock A in proportion to and in substitution for their then respective holdings of such stocks and so that the rate of interest of three per centum per annum by this Act attached thereto will yield to each holder the same amount of interest per annum as the amount of interest then attached to the stock for which the consolidated stock is substituted would then yield.



**60.** The consolidated stock shall from time to time comprise and the amount thereof shall from time to time be increased by the amount of debenture stock which from time to time after the passing of this Act the Company under the powers of any Act or Acts already passed or to be hereafter passed or of this Act shall create or issue unless at the time of the creation or before the issue thereof the Company shall resolve and determine what the further debenture stock shall not form part of the consolidated stock.

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Amount of consolidated stock increased by any further three per centum debenture stock created or issued.

**61.** The Company shall forthwith issue to every holder of their existing debenture stock free of charge for so doing a certificate for and representing such an amount of debenture stock A or consolidated stock (as the case may be) as is by this Act vested in such holder and when such new certificates are issued the existing certificates shall be deemed to be cancelled Provided that the Company shall not be required to issue any new certificate as aforesaid unless and until the existing certificate in substitution for which it is to be issued is given up to be cancelled or is proved to the satisfaction of the Company to have been lost or destroyed Provided also that until the issue of such new certificates the existing certificates shall be evidence of the ownership of the debenture stock substituted for the debenture stock mentioned in the existing certificates.

Certificates of new debenture stock to be issued to holders of stock for which it is substituted.

**62.** Provided that notwithstanding anything in this Act no person or corporation shall become entitled to any fractional part of a pound of the debenture stock A or the consolidated stock created by or under the provisions of this Act but in any case in which any such person or corporation would have become entitled to a fractional part of a pound of such stock the Company may pay to such person or corporation a sum in cash equal to the market value of such fractional part and the Company may from time to time create and issue such further additional amount of the consolidated stock as they may find requisite for such purpose.

As to fractions of pounds of debenture stock.

**63.** Any debenture stock vested by this Act in any person or persons shall be so vested and shall be held by such person or persons upon the same trusts and subject to the same powers provisoes declarations agreements charges liabilities and incumbrances as at the time of the vesting thereof affect the debenture stock in substitution for which it is issued and every deed or other instrument or any testamentary or other disposition of or affecting the existing debenture stock shall take effect with reference to the whole or a proportionate part as the case may be of the substituted debenture stock.

New debenture stock vested upon the same trusts &c. as the stock for which it is substituted.



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—  
Holders of  
debenture  
stock A may  
accept  
consolidated  
stock in  
lieu thereof.

**64.** Any holder of debenture stock A whether existing at the passing of this Act or created by this Act may at any time accept in lieu thereof consolidated stock in the proportion of twenty pounds of consolidated stock for fifteen pounds of existing stock in the case of such existing debenture stock A or in equal amounts of stock for stock in the case of debenture stock A created by this Act and the nominal amount of the consolidated stock shall thereupon be increased by the amount of that stock so accepted and the corresponding amount of debenture stock A shall be extinguished.

Trustees &c.  
may accept  
stock.

**65.** Trustees administrators and executors may hold or accept debenture stock created by this Act and may dispose of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the debenture stock for which it is substituted.

Creation of  
debenture  
stocks not to  
affect  
borrowing.

**66.** The creation and vesting of debenture stocks by this Act shall in no way alter prejudice or affect any of the rights powers or privileges of the Company at the passing of this Act with respect to the borrowing of moneys on mortgage or bond or by the creation and issue of debenture stock. Provided that for the purposes of any and every Act with respect to the defining of the Company's borrowing powers debenture stock A and consolidated stock shall respectively be deemed to be of the same amount as the amount of the existing debenture stock for which the respective stock is substituted.

Company  
and Brighton  
Company  
may hold  
certain lands  
already  
acquired.

**67.** The purchase by the Company and the Brighton Company of certain lands and houses in the town of Portsmouth in the parish of Portsea in the county of Southampton known as "Ginnett's Circus" situate and lying between Station Street formerly Bow Street and the joint Portsmouth line of the Company and the Brighton Company and abutting on the said street between the houses numbered therein 26 and 46 and containing about thirty-six perches is hereby confirmed and the two companies may jointly hold the same but nothing in this Act shall exempt the said companies from any indictment action or other proceeding for nuisance in the event of any nuisance having been or being caused or permitted by them upon any land houses or property acquired by them or either of them as aforesaid and to which this section relates.

Company  
and Brighton  
Company  
may stop up  
right of way  
at Epsom.

**68.** The Company and the Brighton Company may stop up and discontinue for public or other traffic the public right of way (in so far as the same is a level crossing) over their Epsom and Leatherhead Railway in the parish of Epsom in the county of Surrey at a point about thirty-seven chains measured along the



said railway in a south-westerly direction from the centre of the bridge carrying the said railway over the road known as Clay Hill otherwise West Hill immediately to the south-west of the Company's Epsom Station but the Company and the Brighton Company shall as soon as conveniently may be after the passing of this Act and before the said right of way shall be stopped up dedicate to the public use and for ever thereafter maintain in a substantial condition a convenient bridge over the said railway of a width of not less than five feet clear and with convenient approaches thereto on each side thereof and thereupon all public and other rights to cross the said railway on the level at the point aforesaid shall be by this Act extinguished.

**69.** Subject to the provisions of this Act the Company and the Midland Company may for widening enlarging extending and improving the Somerset and Dorset Railway and for station and siding accommodation thereon and for roads and approaches and for taking and getting ballast and for depositing spoil and for other purposes in connection with the said railway enter upon take hold and use the whole or any part or parts of the lands next herein-after mentioned shown on the deposited plans and described in the deposited books of reference (that is to say) Certain lands in the parish of Glastonbury in the county of Somerset:—

Company and Midland Company may purchase additional lands for Somerset and Dorset Railway.

(A.) Abutting and on the north-east side of the Somerset and Dorset Railway at Glastonbury Station and lying between two points measured along the said railway in a north-westerly direction from the centre of the footbridge at that station about  $3\frac{1}{2}$  chains and 18 chains;

(B.) Abutting and on the south-west side of the aforesaid railway and extending between two points measured respectively in a north-westerly direction from the aforesaid footbridge about  $7\frac{1}{2}$  chains and  $13\frac{1}{2}$  chains;

(C.) Abutting and on the south-west side of the aforesaid railway and extending between two points measured respectively in a north-westerly direction from the aforesaid footbridge about  $17\frac{1}{2}$  chains and  $20\frac{1}{2}$  chains:

And upon the purchase or acquisition by the two companies of any such lands all public and other rights of way or other rights in over or affecting any of such lands shall be by this Act extinguished.

**70.** The Company or the Company and the Brighton Company or the Company and the Midland Company as the case may be shall make full compensation to all parties interested in respect of all private rights of way or other private rights (if any) which by this Act are extinguished or interfered with and such compensation shall be settled in manner provided by the Lands Clauses Acts with

Compensation to be made in respect of private rights extinguished.

A.D. 1893. — respect to the purchase and taking of lands otherwise than by agreement and for that purpose any and every right so extinguished or interfered with shall be deemed to be an interest in land.

Restriction on taking houses of labouring class by two companies.

**71.** The Company and the Midland Company shall not purchase or acquire under the powers of this Act in any 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 partly by persons belonging to the labouring class as herein-after defined as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

Easements &c. may be granted by incapacitated persons.

**72.** 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 and the Midland Company any easement (not being an easement of water) right or privilege required for any of the purposes of this Act in over or affecting any such lands and the provisions of the said 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.

**73.** The powers of the Company and the Midland Company under this Act for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

Power to apply funds.

**74.** The Brighton Company and the Midland Company may respectively apply for any of the purposes of this Act relating to them respectively to which capital is properly applicable any moneys which by any previous Act or Acts they are respectively authorised to raise by shares stock debenture stock or borrowing and which are not by the Act or Acts under which they are authorised to be raised made applicable to any special purposes or which being so made applicable are not required for such special purposes.



[56 & 57 VICT.] *South Western Railway Act*, 1893. [Ch. lxxxvii.]

**75.** Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 20 21 and 22 of the *Crown Lands Act* 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

A.D. 1893.  
—  
Saving rights of Crown under *Crown Lands Act*.

**76.** Save as is in this Act otherwise expressly provided nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown in the foreshore.

**77.** Nothing contained in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty Her heirs or successors in right of the duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the *Duchy of Cornwall Management Act* 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said Duchy or belonging to the Duke of Cornwall for the time being without the consent of such duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty Her heirs or successors in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Saving the rights of the Duchy of Cornwall.

**78.** 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.

[Ch. lxxxvii.] *South Western Railway Act, 1893.* [56 & 57 VICT.]

A.D. 1893.

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

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

Provision as  
to general  
Railway  
Acts.

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

Costs of Act.

**81.** 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.



The SCHEDULES referred to in the foregoing Act.

A.D. 1893.

THE FIRST SCHEDULE.

AN AGREEMENT made the Nineteenth day of November 1892 Between the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF SOUTHAMPTON (herein-after called "the Corporation") of the first part the SOUTHAMPTON HARBOUR BOARD (herein-after called "the Board") of the second part and the LONDON AND SOUTH WESTERN RAILWAY COMPANY (herein-after called "the Company") of the third part.

WHEREAS by the Southampton Docks Act 1892 (herein-after referred to as "the Act of 1892") the Company were empowered to acquire the undertaking of the Southampton Dock Company and which undertaking is fully described in section 3 of the Act of 1892 and is herein-after referred to as the "dock undertaking" the purchase whereof by the Company was to be completed on the 1st day of November 1892 on the terms and for the consideration in the Act of 1892 mentioned and described:

And whereas in order to render the dock undertaking available for accommodating ocean-going vessels of the largest size it is requisite that a graving dock and other works in connection therewith should be constructed and that further land should be acquired by the Company for the purpose:

And whereas the Corporation are seised to them and their successors in fee simple in possession of and in all the waste lands within the limits of the town and county of the town of Southampton:

And whereas the Corporation being anxious to increase the trade and commerce of the port and to afford the Company facilities for carrying out such works as will secure that object are willing to sell and convey the piece of waste or mudland herein-after referred to as "the mudland" and coloured red on the plan hereto annexed at and for the price or sum of £20 per acre subject to the approval of the Local Government Board and to the conditions herein-after appearing and which the Company are willing to carry out and observe:

And whereas by the Southampton Docks Act 1871 (herein-after referred to as "the Act of 1871") the several sections of the Acts in the Act of 1871 referred to as the Dock Acts set out in Schedule F. to the Act of 1871 were continued in full force but the necessity for the provisions in certain of the said several sections viz. section 127 of 6 William IV. chapter 29 and sections 40 41 42 43 44 45 and 54 of 6 and 7 Victoria chapter 65 contained has ceased to exist and it is desirable they should be repealed:

A.D. 1893.

And whereas the said several sections in the foregoing recital mentioned cannot be repealed except with the authority of Parliament and the Corporation and the Board are willing at the expense of the Company to assist the Company if requested to do so in any application the Company may make to Parliament for the purpose :

And whereas by indenture dated the 12th day of January 1837 made between the said Dock Company of the one part and the said Mayor Aldermen and Burgesses of the other part for the considerations therein mentioned the said dock company covenanted with the Corporation that when and so often as any dividend to be declared and made of the profits of the dock undertaking should amount to or exceed the several amounts therein mentioned then the said dock company and their successors covenanted to pay to the Corporation the respective rentcharges as in the said indenture is provided :

And whereas the Corporation have agreed to release the Company from their liability under the said covenant as herein-after appears :

Now therefore it is for the considerations mentioned and herein-after appearing agreed between the Corporation and the Board and the Company as follows (that is to say) :—

1. The Corporation will convey (subject to the herein-before recited stipulation) to the Company for an estate of fee simple in possession free from all incumbrances the piece of waste or mudland bounded on the north and north-east by the existing south and south-west boundary of the property of the Southampton Docks Company as shown on the plan hereto annexed on the south-west by an imaginary line drawn in a south-easterly direction from the westernmost angle of the dock company's property immediately south of the oyster-beds and on the east by an imaginary line drawn in a south and south-westerly direction from the southernmost end of the Northern Dock Head at the entrance to the Empress Dock all which boundaries are shown and the said waste land or mudland is coloured red on the said plan.

2. The Corporation and the Board will if requested by the Company to do so and at the expense of the Company concur in any application to Parliament for the purpose of vesting in the Company the mudland forming the subject of this agreement and for enabling them to use the same as and from the 26th day of October 1892 for the purposes of the dock undertaking and also at the like request and expense in obtaining a repeal of the several sections herein-before mentioned viz. section 127 of 6 William IV. chapter 29 and sections 40 41 42 43 44 45 and 54 of 6 and 7 Victoria chapter 65 set out in Schedule F. to the Act of 1871.

3. The Company will on delivery to them of a proper and sufficient conveyance of the mudland pay to the Corporation the sum of £20 per acre for the fee thereof (subject to the said approval of the Local Government Board) Provided always that if the fee of any portion of such mudland below low-water mark is found to be vested in the Crown the payment hereby agreed to be made by the Company to the Corporation shall not apply to the mudlands so situate.

4. The Company shall construct a sea-wall along the eastern and south-western boundaries of the mudland in lines which have been approved by the



Board and defined by the letters D A B C on the plan hereto annexed and shall complete the portions of such sea-wall between the points D A and A B concurrently with the completion of the graving dock (or as soon after as practicable) but shall not be compelled to construct any portion of the sea-wall between the points marked B and C on the said plan until they shall utilise the portion of the mudland west of the line B E on the plan for the construction of a new dock :

Provided that if owing to the user by the Company of any portion of the mudland west of the line B E on the plan they shall interfere with the depth of the River Test west of the line A B C on the plan they shall on request by the Board restore the river to the depth shown on the Admiralty chart dated June 1892 :

Provided also that the Company shall have full and free rights over the land and water frontage between the points marked D A B C on the said plan for the purpose of maintaining and repairing the sea-wall and of berthing and mooring vessels alongside such sea-wall and for a means of access to any docks or works which may at any time be constructed in or on the mudland to be conveyed to the Company but the exercise of such rights shall not be considered as any occupation or possession of such land or water frontage by the Company or their successors so as to give them any title thereto.

5. The land and works herein-before referred to shall be declared to be within and form part of the port of Southampton and within the parish of Saint Mary in the town of Southampton And all vessels resorting thereto shall be subject to the several regulations of the port and be liable to the harbour dues payable by vessels entering or leaving the port.

6. The powers of any dockmaster appointed by the Company shall be limited to the docks of the Company and the berthing mooring and unmooring of vessels alongside the said sea-wall And only a single tier of vessels shall lay at the sea-wall at one time except for the purpose of and during such time only as is occupied in transhipping bunker coal or stores for the use of the receiving vessel And in no case whatever shall more than two vessels lay alongside each other at the said sea-wall.

7. The Company shall not on any portion of the mudland construct or permit any public promenade or pier to which the public shall have access as a public walk or promenade either free or on payment of a toll nor shall they in any way interfere with injure or prejudice the existing town quay or pier but shall use the mudland for the exclusive purposes of the dock undertaking.

8. If at any time after the expiration of 21 years from the date hereof the mudlands or portion thereof shall not have been enclosed with a proper sea-wall then the mudlands or portion thereof not so enclosed shall absolutely revert to and vest in the Corporation without payment of compensation or other consideration to the Company for the same.

9. In consideration of the sum of £100 to be paid to the Corporation by the Company the Corporation shall in and by the conveyance of the mudland to be executed by them as aforesaid or (at the option of the Company) by a separate deed release the Company from their liability to pay all the contingent rent-charges mentioned or referred to in the said recited indenture of the 12th January 1837.

[Ch. lxxxvii.] *South Western Railway Act, 1893.* [56 & 57 VICT.]

A.D. 1893.

In witness whereof the Corporation the Board and the Company have caused their corporate seals to be hereunto put and affixed the day and year first above written.

This the corporate seal of the Corporation was hereto affixed in the presence of

R. S. PEARCE  
Town Clerk.



A. H. SKELTON  
Clerk to the Southampton  
Harbour Board.



The common seal of the London and South Western Railway Company affixed hereto in the presence of

FRED. J. MACAULAY  
Secretary.



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THE SECOND SCHEDULE.

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DESCRIPTION OF LANDS HOUSES AND PROPERTY ALREADY ACQUIRED BY THE COMPANY AND WHICH BY THE FOREGOING ACT THEY ARE EMPOWERED TO HOLD USE AND APPLY FOR PURPOSES OF THEIR UNDERTAKING.

WESTMINSTER BRIDGE ROAD.

- (1.) The house and premises in the parish of Saint Mary Lambeth in the county of London on the north side of Westminster Bridge Road and known as Number 190A in that road;

GRIFFIN STREET.

- (2.) Houses and lands in the parish of Saint Mary Lambeth in the county of London on the south-west side of Griffin Street and known as Numbers 7, 8, 9, 10, 11 and 12 in that street;

LAMBETH.

- (3.) Land and buildings in the parish of Saint Mary Lambeth in the county of London abutting on the south side of Salamanca Street and situate between Granby Buildings and the Company's railway and known as Numbers 21 and 23 Salamanca Street and Number 6 Granby Buildings adjoining Number 23 Salamanca Street;



VAUXHALL.

A.D. 1893.

- (4.) (A.) Houses and lands in the parish of Saint Mary Lambeth in the county of London on the west side of and known or heretofore known as Numbers 2, 4, 6, 8, 10, 12, 14 16 and 18 in Goding Street ;  
(B.) Houses and lands in the said parish of Saint Mary Lambeth on the east side of and known as Numbers 5, 7, 9, 11, 13 and 15 in the South Lambeth Road together with the roadway on the west side of the said houses ;  
(C.) House and land in the same parish on the west side of and known as Number 6 in South Lambeth Road ;

CLAPHAM JUNCTION.

- (5.) (A.) Land in the parish of Saint Mary Battersea in the county of London lying between Plough Road and the Company's property and bounded on the north-west by the house and garden Number 99 Plough Road and on the south-east by the house and garden Number 107 in Plough Road and containing 31 perches or thereabouts ;  
(B.) Two houses and lands in the parish of Saint Mary Battersea in the county of London on the south side of and known as Numbers 59 and 61 in Grant Road ;

SAINT MARGARET'S TWICKENHAM.

- (6.) Land in the parish of Twickenham in the county of Middlesex abutting and on the north-west side of the Company's railway and extending from the bridge carrying the public road over the railway at Saint Margaret's Station to a point about  $10\frac{1}{2}$  chains measured in a south-westerly direction along the said railway from the centre of the aforesaid bridge and containing about 0 acres 1 rood  $18\frac{1}{2}$  perches ;

HAMPTON.

- (7.) Land in the parish of Hampton in the county of Middlesex abutting towards the north and west on the Company's Thames Valley Railway and property and on the east on the public road which crosses over the said railway immediately to the east of Hampton Station and extending in a southerly direction for a distance of about three-quarters of a chain and containing about  $8\frac{3}{4}$  perches ;

MORTLAKE.

- (8.) Lands and houses in the parish of Mortlake in the county of Surrey abutting towards the south upon the Company's railway towards the east on Sheen Lane towards the north upon the passage on the south side of the land attached to Vale Cottage and towards the west on other lands belonging to the Company and containing about 14 perches ;

KEW GARDENS.

- (9.) Lands in the parish of Mortlake in the county of Surrey adjoining and on the west side of the Company's Kensington and Richmond Railway between two points about  $2\frac{1}{2}$  chains and  $17\frac{1}{2}$  chains respectively southward from the centre of the subway at Kew Gardens Station containing about a quarter of an acre ;

A.D. 1893.

KINGSTON-UPON-THAMES.

- (10.) Lands and houses in the parish and township of Kingston-upon-Thames in the county of Surrey abutting towards the west on Lower Ham Road towards the south in part upon other land belonging to the Company in other part upon Canbury Passage and in other part upon the gardens of cottages on the north side of Canbury Passage and the premises of the "Queen's Arms" public-house towards the east in part upon the last mentioned gardens and in other part upon Laurel Cottages and in other part upon Kingston Gasworks and towards the north in part upon land in the possession of the Kingston Gasworks Company and in other part upon premises upon the south side of Hope Avenue and containing about 3 acres 1 rood 17 perches ;

ESHER.

- (11.) Land in the parish of Thames Ditton in the county of Surrey adjoining and on the north side of the Company's main line at Esher Station and situate between two points distant 3 chains and  $9\frac{1}{2}$  chains respectively eastward of the bridge over the road known as Lower Green Lane immediately to the west of Esher Station and containing about  $9\frac{1}{2}$  perches ;

WOKING.

- (12.) Lands in the parish of Woking in the county of Surrey—
- (A.) Abutting and on the north-west side of the Company's main line and extending in a south-westerly direction for a distance of about  $5\frac{1}{2}$  chains from the occupation bridge over the railway immediately to the south-west of the Company's gasworks and containing about three-quarters of an acre ;
- (B.) Lying between—
- (1.) Lysee and Whitstreet Farms ; and
  - (2.) The Company's main line ; and
  - (3.) The occupation road which is carried over the said line about 2 chains eastward from the post on the said line indicating 25 miles from London ; and
  - (4.) The Company's line to Godalming and containing in all about 7 acres 2 roods 23 perches ;
- (C.) Abutting and on the south-east side of the Company's main line and line to Godalming and lying between the last-mentioned occupation road and the road leading to the bridge under the Company's railway immediately to the west of Woking Station and containing about 7 acres 1 rood 34 perches ;

BROOKWOOD.

- (13.) A house and garden in the parish of Woking in the county of Surrey at Brookwood Station abutting towards the west on the approach road to that station for a distance of about  $1\frac{3}{4}$  chains towards the north for a distance of about 2 chains on the public road which runs parallel to the said railway at a distance of about  $3\frac{1}{2}$  chains therefrom and towards the east and south on other land and property of the Company and containing about 0 acres 1 rood 10 perches ;



WANBOROUGH.

(14.) Lands in the parish and township of Ash and Normandy and the parish of Worplesdon Detached in the county of Surrey abutting upon the south side of the Company's railway and extending between two points about 1 chain and 18 chains respectively westward from the bridge over the railway immediately on the east side of Wanborough Station and containing 1 acre 1 rood 18 perches or thereabouts;

Lands in the parish and township of Ash and Normandy in the county of Surrey—

(A.) On the south side of the Company's railway immediately on the west and abutting upon the road leading to the last-mentioned bridge immediately to the east of Wanborough Station and extending in a southerly direction from the said railway about 5 chains and containing 1 rood or thereabouts;

(B.) Land abutting towards the west on the last-mentioned road and towards the north on the Company's railway and extending along the said road about 5 chains and along the said railway about 8 chains and containing about half an acre;

(C.) Land abutting towards the south on the Company's railway and towards the west on the last-mentioned road and extending along the said railway about  $7\frac{1}{2}$  chains and along the said road about half a chain and containing about a quarter of an acre;

SUNNINGHILL.

(15.) Land in the parish of Sunninghill in the county of Berks abutting towards the north for about 7 chains on the Company's railway and on the west for about 7 yards on the road which passes under the said railway about 37 chains south-east of the Company's Ascot Station and containing 1 rood 24 perches or thereabouts;

ALDERSHOT.

(16.) Land in the parish of Aldershot in the county of Southampton adjoining and on the south-east side of the Company's railway at Aldershot Station and extending between two points about 5 chains and  $29\frac{1}{2}$  chains respectively north-eastward from the bridge carrying the public road over the railway immediately to the south-west of the said station and containing about 2 acres 2 roods 11 perches;

MICHELDEVER.

(17.) Land in the parish of Micheldever in the county of Southampton—

(A.) Abutting towards the west on the Company's main line between two points distant respectively about 14 chains and 38 chains measured in a northerly direction along the said railway from the booking-office of Micheldever Station and containing about 4 acres 0 roods 0 perches;

(B.) Abutting towards the east on the Company's main line and on the north on the public road crossing that railway about 27 chains south of the post thereon indicating 63 miles from London and containing about 1 acre 1 rood 33 perches;

A.D. 1893.

EASTLEIGH.

- (18.) Lands and houses in the parish of North Stoneham in the county of Southampton known as the Chickenhall Estate numbered 241 and 243 to 247 both inclusive and 249 to 253 both inclusive and 263 on the  $\frac{1}{2500}$  Ordnance map of the said parish and containing about 114 acres three roods 9 perches ;
- (19.) The field in the parish of South Stoneham in the county of Southampton numbered 115 on the  $\frac{1}{2500}$  Ordnance map of the said last-mentioned parish and containing about 29 acres 2 roods 5 perches ;

NORTHAM.

- (20.) Lands and houses in the parish of Saint Mary in the town and county of the town of Southampton lying between the Company's main line of railway and Radcliffe Road and known as Numbers 71, 73, 75, 77, 79, 81, 83, 85 and 87 Radcliffe Road together with the land or yard in the rear of such houses and the buildings thereon and the passage leading thereto and containing about 2 roods 33 perches ;

SOUTHAMPTON.

- (21.) Land and premises in the parish of All Saints in the town and county of the town of Southampton abutting for a distance of about 40 feet on the west side of Above Bar Street and abutting towards the north for a distance of about 96 feet on the street or road which forms the southern boundary of Thorners Charity and containing about 9 perches ;

BOURNEMOUTH EAST.

- (22.) Lands in the parish of Christchurch in the county of Southampton abutting and on the south side of the Company's Kingwood Christchurch and Bournemouth Railway and situate between two points distant about  $6\frac{1}{2}$  chains and 23 chains respectively measured along the said railway in a westerly direction from the bridge carrying the Princess Road over the said railway and containing in all about 2 acres 3 roods  $6\frac{1}{8}$  perches ;

BOURNEMOUTH WEST.

- (23.) Land in the parish of Kinson in the county of Dorset and in the parish of Holdenhurst in the county of Southampton abutting towards the south partly on the Company's Poole and Bournemouth Railway and partly on their Bournemouth Junction Railway between two points distant about 4 chains and  $35\frac{1}{2}$  chains respectively measured along the said railways in a westerly direction from the bridge carrying the said Poole and Bournemouth Railway over the Prince of Wales Road and containing about 8 acres 2 roods 25 perches ;
- (24.) Lands and buildings in the parish of Holdenhurst in the county of Southampton abutting towards the east on Queen's Road and towards the south on the Company's premises at Bournemouth West Station and known as " Hollycroft " and containing about 0 acres 2 roods 15 perches ;



LYMINGTON.

A.D. 1893.

- (25.) A triangular piece of land in the parish of Boldre in the county of Southampton at the Company's Lymington Town Station extending in a north-westerly direction from the north-west corner of the slipway at the pier for about  $36\frac{1}{2}$  feet and in a south-westerly direction about 20 feet and containing 1 perch or thereabouts ;

TEMPLECOMBE.

- (26.) Land in the parish of Combe Abbas otherwise Abbas and Templecombe in the county of Somerset being part of the property numbered 298 and abutting on the property numbered 295 on the  $\frac{1}{2500}$  Ordnance map of that parish and being about 30 feet in width from north-east to south-west and containing about 21 perches ;

LAPFORD.

- (27.) (A.) Land in the parish of Lapford in the county of Devon adjoining and on the north-east side of the Company's North Devon line at Lapford Station between two points 3 chains and  $7\frac{1}{2}$  chains respectively south-eastward from the bridge carrying the public road over the railway at the said station and containing about 30 perches ;

(B.) Land in the said parish of Lapford abutting towards the north-east on the said North Devon line between two points  $2\frac{1}{2}$  chains and  $7\frac{1}{2}$  chains respectively south-eastward from the last-mentioned bridge and abutting towards the south-west in part on the public road leading to the said bridge and containing 1 acre 1 rood and 32 perches ;

And the conveyance by the Company to Emma Matilda Lee and William Clarke of other land belonging to the Company in exchange for the said lands (A.) and (B.) last above described is by this Act sanctioned and confirmed ;

OKEHAMPTON.

- (28.) Lands in the parish of Okehampton in the county of Devon abutting upon the north-west side of the Company's railway and extending from a point thereon about  $4\frac{1}{2}$  chains south-westward from the bridge carrying the railway over a road at Okehampton Station to the first bridge over the said railway south-west of Okehampton Station and containing 3 roods 35 perches ;

And the conveyance by the Company to Harry Geen of other land belonging to the Company in exchange for the said lands is by this Act sanctioned and confirmed ;

YEOFORD JUNCTION.

- (29.) Land in the parish of Crediton in the county of Devon adjoining and on the north side of the Company's North Devon Railway and between two points about  $13\frac{1}{2}$  chains and  $19\frac{1}{4}$  chains respectively eastward from the bridge over the railway at Yeoford Junction Station and containing about  $28\frac{1}{2}$  perches ;

A.D. 1893.

FORD.

- (30.) Land in the parish of Stoke Damerel in the county of Devon situate on the east side of the Plymouth Devonport and South Western Junction Railway at Ford Station lying between Sussex Street and the Station Approach Road and abutting on Sussex Street between two points distant respectively about 1·70 chains and 2·80 chains from the south end of the Station Approach Road where it joins the said street also abutting on the Station Road between two points distant respectively from the aforesaid point 2·20 chains and 4·50 chains and containing about 0 acres 1 rood 5 perches ;

SAINT BUDEAUX.

- (31.) Lands and buildings in the parish of Saint Budeaux in the county of Devon abutting and on the west side of the Plymouth Devonport and South Western Junction Railway between two points measured respectively  $1\frac{1}{2}$  chains and 3 chains along that railway in a northerly direction from the centre of the bridge carrying the Cornwall Railway over the first-mentioned railway and containing about 0 acres 0 roods 28 perches ;

LAUNCESTON.

- (32.) Two houses with the gardens and land attached thereto in the township and parish of Saint Thomas the Apostle in the county of Cornwall situate on the south side of the North Cornwall Railway abutting on the road approach to the Launceston Station on that railway and situate about 1 chain to the south-west of the booking-office of the said station and containing together about 0 acres 0 roods 23 perches.

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THE THIRD SCHEDULE.

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AGREEMENT dated the 24th day of June 1891 between HIS GRACE THE DUKE OF DEVONSHIRE (who and his heirs and assigns are herein-after referred to as "the Duke") of the first part the CHISWICK LOCAL BOARD (herein-after referred to as "the Board") of the second part and the LONDON AND SOUTH WESTERN RAILWAY COMPANY (herein-after referred to as "the Company") of the third part.

WHEREAS the Company have introduced a Bill (herein-after referred to as "the Bill") into Parliament and which Bill is now pending by which the Company among other things seek to improve the bridge over the River Thames between Barnes and Chiswick and to widen their line of railway between that bridge and a point a little south-east of Chiswick Station :

And whereas the Duke and the Board presented petitions against the Bill seeking among other things to provide for a footway over the said bridge and



for the construction of a carriage-road bridge in substitution for the level crossing over the railway of the Company immediately north-west of Chiswick Station: A.D. 1893.

And whereas the Company entered into negotiations with the Duke and the Board with a view of meeting the requirements of the Duke and the Board and which negotiations resulted in the arrangements herein-after mentioned and the Duke and the Board thereupon consented to withdraw their respective petitions and agreed that they would not further oppose the progress of the Bill:

Now therefore it is for the considerations above referred to and herein-after appearing agreed between the Duke the Board and the Company as follows (that is to say:—

1. The Duke will (A) over the railway at or near the point marked A on the plan hereto annexed build a carriage-road bridge with all necessary approaches thereto (B) widen the road leading from the Spencer Road to the Chiswick Station between the points marked B and C on the said plan so as to make the said road between the said points of an uniform width of 20 feet or in lieu of such widening construct a new road not less than 20 feet wide from the road to the Chiswick Station to the Spencer Road over the land coloured green on the said plan between the points marked C and D thereon (C) metal or make good the existing road on the south-western side of Chiswick Station between the fences from the said point C to the point marked C<sup>1</sup> on the said plan (which said carriage-road bridge and approaches widening and new road are herein-after referred to as the accommodation works) to the satisfaction of the Board and of the Company and will acquire or provide all lands necessary for the purpose such bridge to be in substitution for the level crossing at or immediately north-west of the Chiswick Station.

2. The carriage-road bridge referred to in the foregoing paragraph to be constructed according to a design to be approved by the engineer of the Company and so as not in any way to endanger or interfere with the passage of trains and so as to prevent as far as reasonably practicable any obstruction to the traffic of the Company during its erection and to afford a clear span over the railway of not less than 37 feet on the square so as to allow for the construction of three lines of railway thereunder of which the existing lines are to form two in their present position and the space for the additional line to be on the east side of the existing lines The bridge to have a clear headway throughout of not less than 14 feet above the existing level of rails.

3. The Duke shall maintain the accommodation works when completed for the period of twelve months after completion and at the expiration of such period provided the same be completed and left in a condition reasonably satisfactory to the Company's engineer and the closing of the said level crossing shall have received the sanction of Parliament the Company shall take over and for ever thereafter continue the maintenance.

4. The Company shall in their next application to Parliament apply for power to close the said level crossing so soon as the accommodation works shall have been completed and the Duke and the Board shall support such application.

A.D. 1893.

5. So soon as the closing of the said level crossing shall have received the sanction of Parliament the Company shall pay to the Duke the sum of £3,500.

6. The Company in reconstructing the railway bridge over the River Thames shall provide and for ever after maintain a footway with proper access thereto from the level of the ground immediately adjacent thereto on the south and north sides of the River Thames (by means of steps or otherwise for the use of pedestrians only at all times of the day or night without toll or restrictions but subject as herein-after mentioned) such footway to be constructed in manner and position on the railway bridge as may be determined by the Company but the Duke or the Board shall previous to the commencement of the works in respect of such footway procure all necessary consents to the construction of the approaches thereto at the north-western end.

7. The Company shall before the said footway on the railway bridge or the approaches thereto be commenced submit to the Duke plans of and an estimate of the cost of such footway and approaches and lighting and the Duke shall within one month after such estimate shall have been submitted to him signify his assent thereto and failing such assent or any agreement in respect thereof it shall be assumed that the Duke waives his requirement as to such footway and the Company shall be relieved from any obligation in respect thereof.

8. On completion of the footway on the said bridge over the River Thames and on production by the Company to the Duke of all proper vouchers showing the actual cost thereof the Duke shall pay to the Company one half of the actual cost thereof and of the approaches thereto and lighting the same such half not to exceed one half of the estimated amount and if owing to the non-completion of the accommodation works the Company shall not have paid to the Duke the said sum of £3,500 and if the Duke shall not have then paid one half of the actual cost of the footway and of the approaches thereto and lighting the same the Company shall be at liberty to deduct the same from the said sum of £3,500 agreed herein to be paid to the Duke under Article 5 hereof but the footway shall remain the private property of the Company and shall be under their exclusive control.

9. The Duke shall provide and make and maintain on the Middlesex side all necessary paths or ways leading to and from the steps or other approaches to the said footway and shall permit the public to have full and free access thereover but the Company shall be at liberty to close the said footway for all or any portion of any such twelve days in the year as may seem to them proper without being liable in respect of any inconvenience caused thereby but the Company shall seven days before such closing put up on the paths or ways leading thereto a notice or notices warning the public and others that the said footway will be temporarily closed.

10. The Duke shall indemnify the Company against claim in respect of ferry rights which may be instituted against them by reason of the construction and user of the said footway.

11. This agreement shall be scheduled to the first Bill which the Company may introduce into Parliament after the pending session with a view to its being confirmed and sanctioned by Parliament subject to such alterations as Parliament

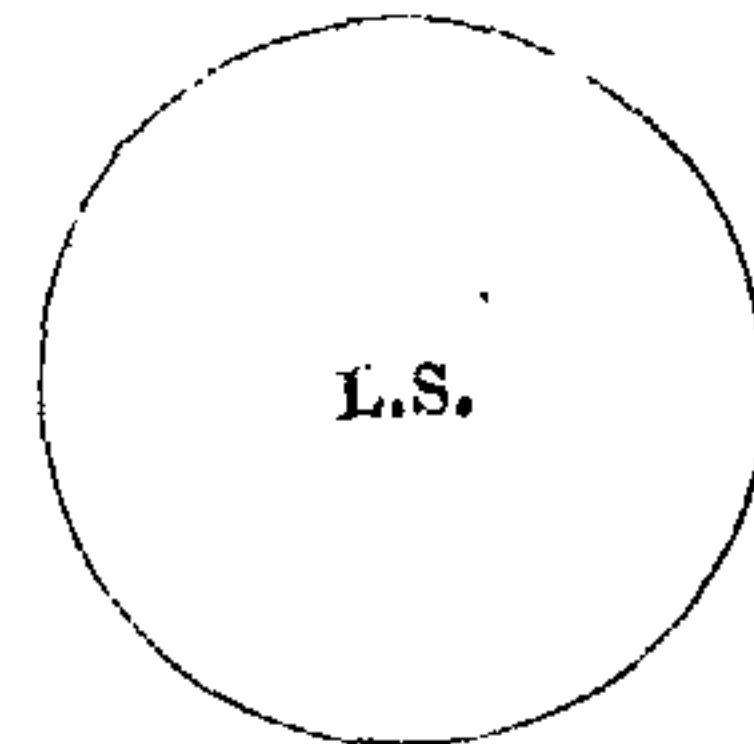


[56 & 57 VICT.] *South Western Railway Act, 1893.* [Ch. lxxxvii.]

may think fit to make therein and all necessary provisions shall be inserted in such Bill for giving effect to the terms of this agreement. A.D. 1893.

In witness whereof the Duke has hereunto set his hand and seal and the Board and the Company have caused their respective common seals to be hereunto affixed the day and year first above written.

Signed sealed and delivered by the above-named William Duke of Devonshire } DEVONSHIRE  
in the presence of }  
FRANCIS EGERTON Adml.  
28 Piccadilly London.



The common seal of the Chiswick Local Board was hereto affixed in } W. J. COMPTON  
the presence of } Chairman.  
R. F. FINNIS  
Solicitor and Clerk to the Chiswick Local Board  
Vestry Hall Chiswick.



The common seal of the London and South Western Railway Company }  
was affixed hereto in the presence of }  
FRED. J. MACAULAY  
Secretary.



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