



CHAPTER ciii.

An Act to confer further powers upon the London and South Western Railway Company to authorise them to execute further works and acquire additional lands and to confer upon the Company and the London Brighton and South Coast Railway Company further powers for the purchase of lands and for other purposes.

A.D. 1898.

[25th July 1898.]

WHEREAS it is expedient that the London and South Western Railway Company (in this Act called "the Company") be authorised to construct the new railway and the widening of their main line of railway and the other works herein-after described :

And whereas it is expedient that the Company be empowered to hold certain lands which have been already acquired by them and that they be authorised to purchase and acquire additional lands and buildings for the improvement of their railways and the general purposes of their undertaking :

And whereas it is expedient that the Company be empowered to enter into agreements with local authorities as by this Act provided :

And whereas it is expedient that the period within which the Company may hold sell and dispose of superfluous lands be further extended :

And whereas it is expedient that the period for the completion of the widening of the lines of railway leading into the Company's Waterloo Station authorised by section 5 of the South Western Railway Act 1893 be extended :

And whereas it is expedient to empower the Company and the London Brighton and South Coast Railway Company or one of them to acquire the lands and exercise the other powers herein-after mentioned and for those purposes to apply their respective funds :

And whereas it is expedient that the Company be authorised to raise further capital for the purposes of this Act and for the general purposes of their undertaking :

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And whereas it is expedient that such further powers be conferred upon the Company and such further provision be made with respect to the Company and their undertaking as are in this Act expressed and contained :

And whereas plans and sections of the works by this Act authorised showing the lines and levels thereof and plans also of the lands to be purchased or acquired by compulsion under the powers of this Act with a book of reference to such plans respectively were duly deposited as follows (that is to say) As regards works and lands in the county of Devon with the clerk of the peace for that county as regards works and lands in the county of London with the clerk of the peace for that county as regards works and lands in the county of Bucks with the clerk of the peace for that county as regards lands in the county of Middlesex with the clerk of the peace for that county as regards lands in the county of Surrey with the clerk of the peace for that county as regards lands in the county of Southampton with the clerk of the peace for that county as regards lands in the county of Cornwall with the clerk of the peace for that county and as regards lands in the county of Dorset with the clerk of the peace for that county :

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) :—

Short title.

1. This Act may be cited as the South Western Railway Act 1898.

Incorporation of general Acts.

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

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 non-payment 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;

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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 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

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

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 as regards the administrative county of London mean the clerk of the vestry of the parish if the parish is included in Schedule A. of the Metropolis Management Act 1855 as amended by subsequent Acts and the clerk of the district board if the parish or place is included in a district mentioned in Schedule B. of the last-mentioned Act as so amended and where any place is not included in any such parish or district as aforesaid shall mean the clerk of some adjoining parish or district board. Interpretation of "parish clerks" &c.

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 stations roads buildings and other works 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— Power to make works.

- (1) A railway ("the Exmouth and Salterton Railway") 4 miles 4 furlongs and 6·30 chains or thereabouts in length to be wholly situate in the county of Devon commencing in the parish of Withycombe Raleigh in the urban district of Exmouth by a junction with the Company's Exmouth Branch and

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terminating in the parish and urban district of Salterton otherwise Budleigh Salterton by a junction with the Budleigh Salterton Railway :

(2) A widening and improvement to be wholly situate in the parish of Saint Mary Lambeth in the county of London of the Company's main line of railway on its southern side between the western side of the Wandsworth Road and Homer Street :

(3) A bridge over the river or stream called Colne Brook in the parish of Wyrardisbury in the rural district of Eton in the county of Bucks at a distance of about thirty yards in a southerly direction from the centre of the bridge by which the Company's Windsor line is carried over the said river or stream.

Widths of certain roadways.

6. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

Work.	No. on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
Exmouth and Salterton Railway.	84	Withycombe Raleigh	Public	Ft.
Exmouth and Salterton Railway.	6	Littleham - cum - Exmouth Urban District of Exmouth.		30
Exmouth and Salterton Railway.	32	Littleham - cum - Exmouth Urban District of Exmouth.		20
Exmouth and Salterton Railway.	66	Littleham - cum - Exmouth Urban District of Exmouth.		20
Exmouth and Salterton Railway.	1	East Budleigh Rural District of St. Thomas		30
Exmouth and Salterton Railway.	31	East Budleigh Rural District of St. Thomas.		18

Height and span of bridges.

7. The Company may make the arches of the bridges for carrying the railway or widening authorised by this Act over the roads next herein-after mentioned of any heights and spans not less

than the heights and spans herein-after mentioned in connexion A.D. 1898. therewith respectively (that is to say):—

Work.	No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
				Ft. in.	Ft. in.
Exmouth and Salterton Railway.	15	Withycombe Raleigh -	Public	16 0	36 0
Exmouth and Salterton Railway.	52	Withycombe Raleigh -	Public	16 0	36 0
Exmouth and Salterton Railway.	9	Littleham - cum - Exmouth Urban District of Exmouth.	Public	15 0	25 0
Exmouth and Salterton Railway.	21	East Budleigh Rural District of St. Thomas.	Public	16 0	20 0
Exmouth and Salterton Railway.	32	East Budleigh Rural District of St. Thomas.	Public	15 0	20 0
Exmouth and Salterton Railway.	13	Salterton otherwise Budleigh Salterton Parish and Urban District.	Public	15 0	15 0
Widening in Lambeth -	274	St. Mary Lambeth -	Public	18 0	58 9
Widening in Lambeth -	278	St. Mary Lambeth -	Public	15 2	40 0
Widening in Lambeth -	299	St. Mary Lambeth -	Public	15 8	40 0
Widening in Lambeth -	302	St. Mary Lambeth -	Public	18 0	50 0
Widening in Lambeth -	317	St. Mary Lambeth -	Public	18 0	55 6
Widening in Lambeth -	335	St. Mary Lambeth -	Public	15 0	25 0
Widening in Lambeth -	339	St. Mary Lambeth -	Public	15 0	31 0
Widening in Lambeth -	341	St. Mary Lambeth -	Public	15 6	40 0
Widening in Lambeth -	345	St. Mary Lambeth -	Public	16 0	40 0
Widening in Lambeth -	350	St. Mary Lambeth -	Public	15 3	10 0
Widening in Lambeth -	368	St. Mary Lambeth -	Public	15 10	40 0
Widening in Lambeth -	382	St. Mary Lambeth -	Public	15 5	40 0
Widening in Lambeth -	394	St. Mary Lambeth -	Public	14 0	25 0
Widening in Lambeth -	415	St. Mary Lambeth -	Public	15 0	40 0
Widening in Lambeth -	419	St. Mary Lambeth -	Public	16 0	40 0
Widening in Lambeth -	445	St. Mary Lambeth -	Public	18 0	66 ft. in two spans of 33 ft. each.
Widening in Lambeth -	457	St. Mary Lambeth -	Public	18 0	29 7

8. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections but subject to such alteration as may be reasonably necessary in consequence of the exercise by the Company of the powers of deviation conferred upon them by this Act and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing

Power to divert roads as shown on deposited plans.

A.D. 1898. road as will be rendered unnecessary by the new portion of road (that is to say):—

Work.	Parish.	No. of Road on deposited Plans.
Exmouth and Salterton Railway -	Withycombe Raleigh Urban District of Exmouth.	12
Exmouth and Salterton Railway -	Withycombe Raleigh Urban District of Exmouth.	58
Exmouth and Salterton Railway -	Littleham-cum-Exmouth Urban District of Exmouth.	66
Exmouth and Salterton Railway -	East Budleigh Rural District of St. Thomas.	31
Exmouth and Salterton Railway -	Salterton otherwise Budleigh Salterton Parish and Urban District.	15
Widening in Lambeth - - -	St. Mary Lambeth - - -	363 379 411 423 439.

And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease:

And with respect to the diversions of the aforesaid roads in the parish of Saint Mary Lambeth the following provisions shall have effect (that is to say) The Company shall construct the diversions of the roads numbered on the deposited plans respectively 411 423 and 439 in the said parish of a width of forty feet and the diversion of the road numbered on the deposited plans 363 in the said parish of a width of thirty feet.

Powers to tenant for life of Rolle Estate.

9. It shall be lawful for the Honourable Mark George Kerr Rolle as tenant for life under or by virtue of the will of the Right Honourable John Lord Rolle and for other the tenant for life for the time being when in possession of the hereditaments in the county of Devon devised in trust under the said will and known as the Rolle Estate to grant and convey to the Company any lands being part of that estate which may be required by the Company for the bonâ fide purposes of the Exmouth and Salterton Railway or any stations sidings works or conveniences connected therewith without any payment or consideration.

Protection of sewers.

10. 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 (in this Act referred to as "the council") or of any vestry constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any

sewers or works to be made or executed by the council or the said vestries or any of them or shall or may in any way affect the sewerage or drainage of the districts under their control or under the control of one or more of them the Company shall not commence such works until they shall have given to the council or to the vestry as the case may be twenty-one days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council or of such vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the council or such vestry respectively shall have signified their approval of the same unless the council or such vestry as the case may be do not signify their approval disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the council and of the respective vestry 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 the council and such vestries respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the council and the said vestries respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the council or vestry as the case may be at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the council or any vestry may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council or to such vestry by the Company within two months after demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council or vestry as the case may be respectively as any sewers or works now or hereafter may be.

11. In constructing or altering the bridges which under the powers of this Act the Company are authorised to construct or alter they shall face the abutments of such bridges with white glazed bricks and shall at all times keep the surface of such bricks

Abutments of bridges to be properly faced.

A.D. 1898. clean and in good repair to the satisfaction of the vestry within whose parish any such bridge is situate.

Conditions to be observed as regards bridges over roads.

12. All bridges and works constructed under the powers of this Act over any street or road shall be of a reasonably ornamental character and design and shall so far as is reasonably practicable be made and maintained so as to prevent the dripping of water therefrom on any part of any street road area or forecourt and so as to deaden the sound of engines carriages and traffic passing over them and the parapets of such bridges and works shall be carried up to a height not less than six feet above rail level to hide from view of the street or road trains passing over such bridges or works.

Plans of bridges and works to be submitted to council and vestry.

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

Exhibition of placards in county of London.

14. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act 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 council and by the clerk to the vestry of the parish in which such part of the works is situate and if any such placard or

advertisement be affixed or exhibited without such approval the said council or vestry 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. A.D. 1898.

15. Where any bridges in the parish of Saint Mary Lambeth constructed reconstructed or widened under the powers of this Act shall with other bridges adjoining or contiguous thereto whether the property of the Company or not cover a length of road of eighty feet or upwards it shall be lawful for the said vestry to place and fix under such bridges such lamps as the vestry may deem necessary not exceeding one lamp in every sixty feet for the proper and effectual lighting by day and by night of the roadway under such bridges by gas or electricity whichever may be in general use in the road on either side of such bridge and thereafter the Company shall pay the said vestry the cost of providing erecting and maintaining the said lamps and lighting them as aforesaid. As to bridges in Lambeth.

16. The following provisions for the protection of the South London Tramways Company (in this section called "the Tramways Company") shall be observed and carried into effect (that is to say):— For protection of South London Tramways Company.

- (1) If in carrying out the widening and improvement of the Company's main line of railway on its southern side between the western side of Wandsworth Road and Homer Street where such widening and improvement are carried over Wandsworth Road or Lambeth Road it shall be necessary or expedient to remove or interfere with the tramways of the Tramways Company which pass along the said roads or any part thereof the Company shall at their own expense under the superintendence and to the reasonable satisfaction of the engineer of the Tramways Company construct and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramways or part of a tramway so removed or the working of which has been so interfered with that at all times during the progress of such works the tramcars of the Tramways Company may pass and repass along the said roads without any interruption and the Company shall during the progress of and until the completion of such works provide such lighting and watching as may be necessary to prevent accidents to all persons animals and vehicles using the existing or temporary tramways or the roads in which the same are laid and on completion of such works the Tramways Company may at the expense of the Company restore the said tramways and

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so much of the said roads as they are liable to maintain as may be disturbed by the Company in the exercise of the powers of this Act to as good a state and condition as the same were in before the commencement of such works and the Company shall be responsible for and make good to the Tramways Company and recoup and indemnify them against all claims sums damages loss costs and expenses which they may be put to in such restoration or by reason of the carrying out of such widening and improvement or in carrying on and continuing their traffic during the progress thereof or from the failure of any works to be done under the powers of this Act or from any act or omission of the Company or any persons in their employ or their contractors or others :

- (2) If any dispute or difference shall arise between the Company and the Tramways Company or their respective engineers as to the execution of the works to be done by the Company under the powers and provisions of this Act the same shall be referred to and settled by an engineer to be agreed upon between the Company and the Tramways Company or failing such agreement by an arbitrator to be appointed on the application of either the Company or the Tramways Company by the Board of Trade :
- (3) The Company and the Tramways Company may enter into and carry into effect agreements for any variation of the provisions of this section.

For protection of London Tramways Company.

17. The following provisions for the protection of the London Tramways Company Limited (in this section called "the Tramways Company") shall be observed and carried into effect (that is to say) :—

- (1) If in carrying out the widening and improvement where the same are carried over Upper Kennington Lane it shall be necessary or expedient to remove or interfere with the tramways of the Tramways Company which pass along the said road or any part thereof the Company shall at their own expense under the superintendence and to the reasonable satisfaction of the engineer of the Tramways Company construct and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramways or part of a tramway so removed or the working of which has been so interfered with that at all times during the progress of such works the tramcars of the Tramways Company may pass and repass along the said road without any interruption and the Company shall during the progress of and until the completion of such works provide such lighting and watching as may be necessary to prevent accidents to all persons animals and vehicles using the existing

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or temporary tramways or the road in which the same are laid and on completion of such works the Tramways Company may at the expense of the Company restore the said tramways and so much of the said road as they are liable to maintain as may be disturbed by the Company in the exercise of the powers of this Act to as good a state and condition as the same were in before the commencement of such works and the Company shall be responsible for and make good to the Tramways Company and recoup and indemnify them against all claims sums damages loss costs and expenses which they may be put to in such restoration or by reason of the carrying out of such widening or the work of altering widening or reconstructing of the said bridge or in carrying on and continuing their traffic during the progress thereof or from the failure of any works to be done under the powers of this Act or from any act or omission of the Company or any persons in their employ or their contractors or others :

- (2) If any dispute or difference shall arise between the Company and the Tramways Company or their respective engineers as to the execution of the works to be done by the Company under the powers and provisions of this Act the same shall be referred to and settled by an engineer to be agreed upon between the Company and the Tramways Company or failing such agreement by an arbitrator to be appointed on the application of either the Company or the Tramways Company by the Board of Trade :
- (3) The Company and the Tramways Company may enter into and carry into effect agreements for any variation of the provisions of this section.

18. For the protection of the South Metropolitan Gas Company (herein-after referred to as "the South Metropolitan Company") the following provisions shall apply and have effect (that is to say) :—

For protection of South Metropolitan Gas Company.

- (1) If in the execution of any of the works by this Act authorised it should be necessary to in any way alter the position of or otherwise interfere with any gas mains pipes or other apparatus belonging to or connected with the undertaking of the South Metropolitan Company the Company before commencing the said works shall give fourteen days' previous notice in writing to the South Metropolitan Company of their intention to commence the same and all such works shall be carried out under the superintendence and to the reasonable satisfaction of the engineer of the South Metropolitan Company or the South Metropolitan Company if they so elect may themselves make

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any such alteration of their gas mains pipes or other apparatus as may be necessary and the cost thereof shall be borne and paid by the Company :

- (2) The Company shall make good all damage done to the property of the South Metropolitan Company by the disturbance thereof and shall make full compensation to the South Metropolitan Company for any loss or damage which they may sustain by reason of such interference as aforesaid :
- (3) If the Company take any of the South Metropolitan Company's mains pipes or other apparatus or render any of the same useless the Company shall pay to the South Metropolitan Company the value thereof and the same shall thereupon become the property of the Company :
- (4) If any difference arise between the Company and the South Metropolitan Company with reference to any of the matters provided for by this section such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of the Company or the South Metropolitan Company.

For protection of Southwark and Vauxhall Water Company.

19.—(1) Before commencing any works by this Act authorized in or under any street in or under which any mains pipes syphons plugs or other works (herein-after called "apparatus") of the Southwark and Vauxhall Water Company (herein referred to as "the Water Company") are situate the Company shall from time to time deliver to the Water Company plans and sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and such plans sections and description shall be delivered to the Water Company at least fourteen days before the commencement of any such work. If it should appear to the Water Company that such works will interfere with or endanger any of their apparatus or impede the supply of water the Water Company may give notice to the Company to lower or otherwise alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substance and any difference as to the necessity of such lowering alteration support substitution laying or placing cement concrete or other like substance shall be settled as herein-after provided and all such works shall be done and executed by and at the expense of the Company but to the satisfaction and under the superintendence of the engineer of the Water Company and the reasonable costs charges and expenses of such superintendence shall be paid by the Company. And if the Water Company by notice in writing to the Company

within seven days after the receipt by them of notice of the intended commencement by the Company of any such works so require the Water Company may by their own engineer or workmen do and execute such works so far as they interfere with or affect the apparatus of the Water Company and the Company shall on the completion thereof pay to the Water Company the reasonable expenses incurred by them in the execution thereof.

(2) In the event of such plans sections and description so delivered to the Water Company as aforesaid not being objected to within fourteen days the said works shall be executed in strict accordance therewith.

(3) The Water Company may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any apparatus of the Water Company will be interfered with or affected during their construction repair or renewal and the reasonable wages of such watchmen or inspectors shall be borne by the Company and be paid by them to the Water Company.

(4) If any interruption in the supply of water by the Water Company shall without the written authority of that company be in any way occasioned by the Company or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to the Water Company for the use and benefit of the Water Company a sum not exceeding ten pounds for every hour during which such interruption shall continue.

(5) The expense of all repairs or renewals of any apparatus of the Water Company or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Company their contractors agents workmen or servants or any person in the employ of them or any or either of them or rendered necessary by reason of any subsidence resulting from the works of the Company whether during the construction of the works or at any time thereafter shall be borne and paid by the Company.

(6) It shall be lawful for the Water Company and the engineers workmen or others in their employ at all times when it may be necessary upon giving due notice or in case of urgency without notice to enter upon the lands works and premises of the Company at any point or place where there are existing apparatus of the Water Company and to do all such works in and upon such lands and premises as may be necessary for repairing maintaining or removing or replacing such apparatus under or over the same lands and premises.

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(7) If and when the Company under the powers of this Act acquire and appropriate any lands houses and buildings which are served with water by the apparatus of the Water Company laid down and maintained by them in any road street highway or place or stop up any such road street highway or place so that the apparatus or any part thereof become useless for supplying water the same shall be and remain the property of the Water Company and the Company shall pay to the Water Company their reasonable charges for removing any of their apparatus in immediate communication therewith and which the works of the Company render useless.

(8) If any difference shall arise with respect to any matter under this section between the Company and the Water Company or their respective engineers or concerning any plans sections or description to be delivered to the Water Company under the foregoing provisions of this Act the matter or difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

As to
St. Saviour's
National
Schools.

20. Before taking any portion of the school playgrounds mission halls buildings in course of erection outbuildings and premises numbered on the deposited plans 351 in the parish of Saint Mary Lambeth belonging or reputed to belong to the Reverend George Henry Worth Bromfield as trustee for the district parish of Saint Mary Princes Road Lambeth in the county of London the Company shall provide within a reasonable distance of the said property and within the said district parish and on an approved site an amount of accommodation at least equal in extent to that destroyed or made unavailable by reason of their taking any portion of the said property and the Company may in addition to the other powers conferred by this Act purchase by agreement and hold let or otherwise dispose of lands for the purpose of providing such accommodation.

The site of the new school playgrounds and buildings in connexion therewith shall be held by the said Reverend George Henry Worth Bromfield in the same manner and upon the same trusts in all respects as Saint Saviour's National Schools are now held.

Any difference arising as to the sufficiency of the substituted accommodation to be provided by the Company or the position thereof shall be determined by the consulting architect of the Committee of Council on Education and the expenses of and incidental to such determination shall be paid by the party or in such portions by the parties as the architect may order or direct.

For pro-
tection of
Benjamin
Ebenezer
Nightingale.

21. For the protection of Benjamin Ebenezer Nightingale of the Albert Works Albert Embankment in the county of London builder and contractor the lessee of the property known as Albert Works

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of which the property numbered 342 on the deposited plans in the parish of Saint Mary Lambeth forms part (in this section referred to as "the owner") the following provisions shall unless otherwise agreed between the owner and the Company have effect (that is to say) :—

- (1) The powers of the Company for the compulsory purchase of the said property numbered 342 shall cease unless notice to treat shall be given to the owner by the Company before the expiration of three months from the date of the passing of this Act :
- (2) If at any time within three months from the receipt of such notice to treat the owner by counter-notice so require the Company shall at the same time purchase compulsorily the whole interest of the owner in the Albert Works ;
- (3) The Company shall not be entitled to the actual possession of any property of the owner which they may acquire under the powers of this Act until the expiration of eighteen months from the date on which the owner shall have given such counter-notice as aforesaid to the Company or if no such counter-notice be given until the expiration of two years from the date on which notice to treat was given to the owner by the Company.

22. If the Company enter upon take or interfere with any of the lands of Sir John Budd Phear of Marpool Hall in the parish of Withycombe Raleigh (herein-after referred to as "the owner") they shall at the same time if required by the owner purchase all his right title and interest in the lands numbered 456 457 487 581 583 584 585 589 590 593 594 595 and 597 on the Ordnance Survey map of Great Britain and in such parts of the lands numbered respectively 483 and 582 on that map as belong to the owner together with the mansion and other buildings erected thereon containing a total area of fifty-eight acres two roods twenty-seven perches or thereabouts in the said parish of Withycombe Raleigh and the compensation to be paid shall be settled by arbitration as if the whole of such lands which are taken had been taken compulsorily by the Company.

For protection of Sir John Budd Phear.

23. If the Exmouth and Salterton Railway be 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 executing the same or in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

24. For the purpose of demanding and recovering tolls rates and charges and for all other purposes the widening of the Company's

Tolls &c.

A.D. 1898. — railway by this Act authorised shall be deemed part of the Company's railway to be widened and the new railway by this Act authorised shall be deemed to be part of the Company's Exmouth Branch.

Penalty imposed unless railway opened within time limited.

25. If the Company fail within the period limited by this Act to complete the Exmouth and Salterton Railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the said railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalties.

26. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if

a receiver has been appointed or the Company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Power to take additional lands for general purposes.

27. Subject to the provisions of this Act and in addition to the other lands which they are by this Act authorised to acquire 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 the erection of labouring-class dwellings or other buildings 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):—

In the county of London—

- (A) The houses and premises in the parish of Saint Mary Lambeth numbered 28 to 54 even numbers (both numbers inclusive) in Newnham Terrace;
- (B) The houses and premises in the same parish numbered 7 and 9 in Nine Elms Lane;
- (C) The houses and premises in the parish of Saint Mary Battersea numbered 6 7 8 and 9 in Palmerston Terrace:

In the county of Middlesex—

- (D) Lands and buildings in the parish and urban district of Staines on the north side of and adjoining the Company's Windsor line:

Provided that the Company shall not under the powers of this section purchase or acquire more than seven perches of the common or commonable land known as Knowle Green in the said parish and urban district:

In the county of Surrey—

- (E) Lands on the south side of and adjoining the Company's main line in the parishes of Byfleet and Pyrford in the rural district of Chertsey;
- (F) (1) Lands and buildings in the parish and urban district of Woking on the north-west side of and adjoining the Company's main line and sidings:

And upon the purchase or acquisition by the Company of the said lands and buildings (F) above described the Company may stop

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up and discontinue for traffic of every description so much of Poole Road as extends for a distance of one chain north-westward from the boundary of the Company's property and when and so soon as the said portion of road is so stopped up all public and other rights of way or other rights in over or affecting the same shall be extinguished:

- (2) A piece of land in the same parish and district on the north-west side of and adjoining the lands included within the limits of deviation for the widening and improvement (6) of the Company's main line authorised by the South Western Railway (Various Powers) Act 1897:

And upon the purchase or acquisition by the Company of the piece of land last herein-before described the Company may divert in the line shown on the deposited plans the footpath now crossing such piece of land:

- (g) Lands in the parish of Haslemere in the rural district of Hambledon on the north side of and adjoining the Company's Portsmouth Direct Railway:

Provided that the Company may divert the existing stream or watercourse passing through the last-mentioned lands but not so as to interfere with the free flow of the water thereof and if in the execution of their works the Company have occasion to cover over any portion of such stream or watercourse or diversion of the same they shall carry the same through a culvert of not less than two feet in diameter to be properly constructed of good and sufficient materials and fitted with an adequate number of shafts for the examination of the condition of the said culvert and shall at all times maintain the said culvert and shafts in good repair and keep the same clear to the satisfaction of the Hambledon District Council Provided also that there shall be at all times reserved to the said district council an easement for the free and uninterrupted flow of water along the said stream or watercourse or any diversion thereof and through any such culvert as aforesaid together with all rights incident to such easement:

In the county of Southampton—

- (H) A piece of land in the parish and urban district of Eastleigh containing 7 acres and 26 poles or thereabouts abutting towards the south on Chickenhall Lane and now forming part of the sewage farm of the Eastleigh Urban District Council:

And the said district council may accept by way of exchange for and as the consideration for the conveyance to the Company of the said piece of land (H) above described other lands now belonging to the Company lying between the sewage farm of the said district

council and the Winchester and Southampton Canal and the Company may sell and convey to the said district council the last-mentioned lands freed and discharged from any pre-emption rights affecting such lands or the Company in respect thereof :

And upon the completion of the conveyance of the said piece of land (H) to the Company all public rights of way or other rights (if any) over Chickenhall Lane aforesaid leading from the Southampton Road at Eastleigh crossing on the level the Company's main line and carried under their Gosport and Stokes Bay Branch to Chickenhall Farm shall be by this Act extinguished :

In the county of Devon—

- (I) Lands and houses in the parish of Instow in the rural district of Barnstaple abutting towards the east on lands and property of the Company and towards the south-west on the public road crossing the Company's Barnstaple and Bideford line immediately to the northward of Instow Station :

But the Company shall not except by agreement acquire under the powers of this Act the interest of Thomas Molland junior as lessee of the property numbered on the deposited plans 2 in the said parish of Instow :

- (J) Lands in the parish of Axminster in the rural district of Axminster on the western side of and adjoining the Company's Yeovil and Exeter Railway :

In the county of Cornwall—

- (K) Lands and buildings in the parish of Saint Breock in the rural district of Saint Columb Major (on part of which lands sidings and wharves belonging to the Company are situate) :

But notwithstanding anything in this Act or shown on the deposited plans the Company shall not enter upon take or use any part of the properties numbered respectively on those plans 1 2 3 and 4 in the said parish of Saint Breock :

In the county of Dorset—

- (L) Lands in the parishes of Clifton-Maybank and Bradford Abbas both in the rural district of Sherborne on the northern side of and adjoining the Company's Yeovil Branch ;
(M) A piece of land in the parish of Clifton-Maybank in the rural district of Sherborne near the Company's Yeovil Station ;

and the Company may divert in the line shown on the deposited plans the footpath now crossing the said last-mentioned piece of land.

28. The Company shall not where any house or building shall have been wholly or in part demolished by them leave any

Walls of buildings to be made good.

A.D. 1898. ——— adjoining structures or any portion of a partly demolished structure in any unsightly condition for any longer period than is reasonably necessary.

Buildings not to be brought beyond general line &c.

29. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company without the consent of the council to encroach upon any part of the surface of any street or footway not intended to be stopped up in the county of London or to erect or maintain any building beyond the general line of building in any street in that county.

As to widening of Nine Elms Lane.

30. Before commencing any works upon the lands (B) which the Company are by this Act authorised to acquire in Nine Elms Lane the Company shall give to the council twenty-eight days' notice in writing of their intention to commence the same and the council may at any time within two months after such notice has been given to them require that the front of any buildings or works to be erected on such lands shall be set back so as to leave a clear width of sixty feet between the frontage thereof and the frontage of the buildings on the opposite side of Nine Elms Lane and the Company shall thereupon set the same back accordingly and the council shall on demand pay to the Company such proportion of the cost of the acquisition of such lands by the Company under the powers of this Act as bears to the whole of such cost the same proportion as the amount of the property so thrown into the street bears to the whole of the area of such property and any difference which may arise between the council and the Company shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

Company to make good parochial rates until works are assessed.

31. If and while the Company are possessed under this Act of any lands in the parishes of Saint Mary Lambeth and Saint Mary Battersea or either of them assessed or liable to be assessed in the respective parishes 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 may have acquired such lands are completed and assessed or liable to be assessed in the respective parishes to the respective rates be liable to make good the deficiency in the assessment for the respective rates by reason of those lands being taken or used for the purposes of the 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 in each case pay the deficiency to the collector of the respective rates.

Compensation to be made in

32. The Company 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 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.

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respect of private rights extinguished.

33. Notwithstanding anything in this Act but subject to the provisions of section 46 of the Railways Clauses Consolidation Act 1845 when any road diversion or footpath authorised by this Act is completed to the satisfaction of two justices it shall be deemed to be a public highway and shall thenceforth be maintained and repaired by the authority liable to maintain and repair highways repairable by the inhabitants at large (not being main roads) in the district within which the diversion or footpath is situate.

Road Diversions &c. to be vested in road authority.

34. 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 footpath or way are by this Act vested (as to so much thereof as is bounded on both sides by land of the Company) in the Company for the purposes of their undertaking 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 footpath or way in proportion to the respective frontages of their lands thereto. 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.

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

35. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for any of the purposes of this Act in or 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.

Easements &c. may be granted by incapacitated persons.

36. 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 fifteen acres but nothing in that Act or in this Act shall exempt the Company from

Lands for extraordinary purposes.

A.D. 1898. — any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Owners may be required to sell parts only of certain lands and buildings.

37. Whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of houses or other buildings or manufactories shown on the deposited plans or of which the properties shown on those plans form part may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Act or of which the properties described in that schedule form part and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such houses buildings or manufactories without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Confirming purchase of lands.

38. The purchase by the Company of the lands houses and property herein-after mentioned is hereby confirmed (that is to say) :—

In the county of London—

(A) Lands houses and buildings in the parish of Saint Mary Lambeth abutting towards the north-west in part on Upper Marsh and in other parts on lands and buildings belonging to the Company towards the north-east on Westminster Bridge Road towards the south-east in part on Carlisle Street and in other part on lands and buildings belonging to the Company and in other part on the south-west on premises known as Field's Candle and Night Light Works and towards the west on lands and buildings belonging to the Company :

In the county of Middlesex—

(B) A piece of land in the parish of Isleworth in the urban district of Heston and Isleworth on the south-east side of and adjoining the Company's loop line and extending from Wellington Road for a distance of about 41 chains north-eastward ;

- (c) A piece of land in the parish and urban district of Twickenham on the south-east side of and adjoining the Company's Windsor line and lying immediately to the south-west of Amyand Cottages; A.D. 1898. —
- (d) Lands in the parish of Feltham in the rural district of Staines (that is to say):—
- (1) A piece of land on the south side of and adjoining the Company's Windsor line and extending about $11\frac{1}{2}$ chains eastward from a point distant about 6 chains eastward from the public road carried by a bridge over the said line at Feltham Station; and
 - (2) Two pieces of land on either side of the said Windsor line and respectively extending about $17\frac{1}{2}$ chains eastward from the road carried over the said line by a bridge distant about $18\frac{1}{2}$ chains eastward from the bridge at Feltham Station above described:

In the county of Surrey—

- (e) A piece of land in the borough of Richmond on the north side of and adjoining the Company's Richmond line and extending between two points distant about $2\frac{1}{2}$ chains and 17 chains respectively from the eastern side of Manor Road:

And the Company may grant and convey to the corporation of Richmond as the consideration or part consideration for the conveyance of the said piece of land (e) last herein-before described by the corporation to the Company a piece of other land belonging to the Company adjoining and to the southward of the corporation yard and depôt in Lower Mortlake Road Richmond:

- (f) (1) A piece of land in the parish and urban district of Chertsey on the south-west side of the Company's Chertsey extension line;
- (2) A strip of land in the same parish and urban district adjoining the south-eastern boundary of the gasworks:

In the county of Bucks—

- (g) A piece of land in the parish of Wyrardisbury in the rural district of Eton on the south-west side of and adjoining the Company's Wraysbury Station:

In the county of Devon—

- (h) Lands and buildings in the parish of Lymptone in the rural district of Saint Thomas on the east side of and adjoining the Company's Exmouth line;
- (i) A piece of land in the parish of Saint David in the county borough of Exeter abutting towards the south-east on Northernhay Street.

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Period for compulsory purchase of lands.

Restrictions on displacing persons of labouring class.

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.

40.—(1) The Company shall not under the powers of this Act purchase or acquire in any parish in the administrative county of London (in this section referred to as "London") twenty or more houses or in any other city borough or urban district or outside London in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

- (A) Shall have obtained the approval in the case of London 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 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. A.D. 1898.

(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 London 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

A.D. 1898. — 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 London for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local) 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.

(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 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 and also any houses so occupied the purchase of which is confirmed by this Act 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" means 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 such persons who may be residing with them.

41.—(1) The Company on the one hand and any district council (as that expression is interpreted by the Local Government Act 1894) and any district board of works and any vestry within the metropolis or any of them on the other hand may enter into and carry into effect vary or rescind agreements for or with reference to providing accommodation for the housing of persons of the labouring class under or in accordance with any scheme made in pursuance of the provisions of the section of this Act of which the marginal note is "Restrictions on displacing persons of labouring class" and as to the sale purchase or leasing of lands and houses and the erection of houses and buildings for any such purposes and the providing of money for any such purposes.

Company and local authorities may agree as to providing accommodation for persons of labouring class displaced.

(2) The purposes of any such agreement made between the Company and any district council shall be deemed to be purposes of the Public Health Act 1875 and such council may subject to the provisions of that Act apply their funds and revenues and borrow money accordingly.

(3) Any such district board or vestry may for the purposes of any such agreement made with the Company apply their funds rates and revenues and may borrow any sums required and for the

A.D. 1898. — purpose of securing the repayment with interest of any money to be borrowed as aforesaid may mortgage and assign all the moneys or rates authorised to be raised by them respectively under the Metropolis Management Act 1855 and all the provisions of sections 183 to 191 of that Act as amended by any subsequent Act shall apply to any borrowing by any such district board or vestry under this section.

Extending period limited by section 41 of Act of 1890 for sale &c. of superfluous lands.

42. The period now limited by section 41 of the South Western Railway Act 1890 within which the Company may hold sell and dispose of superfluous lands connected with their railways is hereby extended for a period of ten years from the passing of this Act and that section shall be construed accordingly.

Further extending period limited by Act of 1893 for completion of widening at Waterloo.

43. The period limited by the South Western Railway Act 1893 for the completion of the widening of the lines of railway leading into the Company's Waterloo Station authorised by section 5 of that Act and described in sub-section (4) of that section is hereby further extended for a period of two years from the twenty-ninth day of June one thousand eight hundred and ninety-eight.

Power to close level crossings for traffic at Ringwood and Alverstoke.

44. The Company may close and discontinue for vehicular traffic on every Sunday and between the hours of half-past seven in the afternoon and half-past seven in the forenoon of every week day the level crossing over the Company's Southampton and Dorchester line in the parish of Ringwood in the rural district of Ringwood in the county of Southampton at about four chains westward from the post denoting one hundred and six miles from London and may also close and discontinue for public traffic of every description the level crossing over the Company's Gosport and Stokes Bay Branch in the parish of Alverstoke in the urban district of Gosport and Alverstoke in the same county at a point about five and a half chains south-eastward from Saint Mark's Church Anglesey.

Power to apply funds.

45. 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 raise further money for purposes of Act.

46. The Company from time to time may for all or any purposes of this Act 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 seven hundred and fifty thousand pounds.

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47. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds 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.

48. 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.

49. 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.

Receipts in case of persons not sui juris.

50. The provisions of sections 47 to 70 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 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.

Provisions of Act of 1862 to extend to shares and stock under this Act.

51. 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 seven hundred and fifty thousand pounds which they are by this Act authorised to raise any sum or sums not exceeding in the whole two hundred and fifty thousand pounds and of the last-mentioned sum they may borrow fifty thousand pounds in respect of every one hundred and fifty thousand pounds of the said capital of seven hundred and fifty thousand pounds:

Further borrowing powers to Company.

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

A.D. 1898. — 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 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 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.

52. 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 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.

Provisions as to appointment of receiver repealed.

53. Section 50 of the South Western Railway Act 1895 (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.

For appointment of a receiver.

54. 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.

Debenture stock.

55. 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.

Application of moneys.

56. 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.

57. 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 stock and debenture stock.

58. Subject to the provisions of this Act the Company and the London Brighton and South Coast Railway Company (herein-after called "the Brighton Company" the said companies being, herein-after referred to as "the two Companies") may jointly enter upon take hold and use certain lands in the parish of Portsea in the county borough of Portsmouth and county of Southampton bounded towards the west by the Portsmouth Extension Railway and the locomotive yard and sidings of the two Companies at Fratton Station and towards the south by Goldsmith's Avenue and upon the purchase or acquisition by the two Companies of the said lands the two Companies may stop up and divert the footpath known as Milton Lane crossing the said piece of land in the line shown on the deposited plans and when and so soon as the said footpath has been stopped up and diverted the site and soil of so much of Milton Lane as may be stopped up as aforesaid shall vest in the two Companies and all public and other rights of way and other rights (if any) in over or affecting the same shall be by this Act extinguished.

Power to Company and Brighton Company to acquire certain lands and divert footpath.

59. The two Companies or either of them shall not under the powers of the last preceding section purchase or acquire in any parish or urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class 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.

Restriction on taking houses of labouring class by the two Companies.

The expression "labouring class" in this section means 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.

60. The powers of the two Companies or either of them for the compulsory purchase of the lands referred to in the section of this Act of which the marginal note is "Power to Company and

Period for compulsory purchase lands by two Companies.

A.D. 1898. — Brighton Company to acquire certain lands and divert footpath” shall cease after the expiration of three years from the passing of this Act.

Persons under disability may grant easements &c. to the two companies.

61. 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 two companies or either of them any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Brighton Company may apply funds.

62. The Brighton Company may apply for any of the purposes of this Act relating to them 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.

Saving rights of the Crown in the fore-shore.

63. 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.

Saving rights of Crown under Crown Lands Act.

64. 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 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Saving rights of Duchy of Cornwall.

65. 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 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 in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

66. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Recovery of demands under fifty pounds.

67. 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.

68. 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.

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

69. 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.

Provision as to general Railway Acts.

70. 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.

Costs of Act.

A.D. 1898.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING THE PROPERTIES WHEREOF A PORTION ONLY IS REQUIRED TO
BE TAKEN BY THE COMPANY.

Work or Land.	Parish.	No. on deposited Plans.	Description of Properties in the deposited Books of Reference.
Work (2) (Widening and improvement of Company's main line).	Saint Mary Lambeth.	293	Workshops and yard (the Vispah Works).
		360	Building and premises (Albert Mansions).
		361	Building and premises (Albert Mansions).
		362	Yard and outbuildings.
Additional lands (D) described in the section of the foregoing Act the marginal note whereof is "Power to take additional lands for general purposes."	Staines	4	Garden.
		5	Garden.

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