



CHAPTER lxvi.

An Act to empower the Southern Railway Company to extend their dock undertaking at Southampton and to construct works and acquire lands to abandon certain existing and authorised railways and works to transfer to the said Company the undertaking of the Wimbledon and Sutton Railway Company and the undertaking of the Ryde Pier Company and for other purposes. A.D. 1924.
[1st August 1924.]

WHEREAS it is expedient that the Southern Railway Company (in this Act referred to as "the Company") should be empowered to construct the reclamation walls jetties graving docks railways and other works by this Act authorised and to acquire certain lands in this Act described and that the acquisition of other lands already acquired by the Company should be sanctioned and confirmed:

And whereas in consequence of the amalgamation of the undertakings of the South Eastern Railway Company and the London Chatham and Dover Railway Company which undertakings now form part of the undertaking of the Company the railway traffic in the Isle of Thanet can be more conveniently and expeditiously worked on a circular route:

And whereas in order to render such working possible the Company have applied to the Minister of Transport

A.D. 1924: for an order under the Ministry of Transport Act 1919 as amended by subsequent Acts authorising a new railway at and near Ramsgate forming a connection between railways which formerly belonged to the said companies respectively :

And whereas the construction of such railway will render unnecessary the Ramsgate Harbour and Margate Sands stations of the Company and certain portions of railway leading thereto and it is accordingly expedient that the said stations and portions of railway should be abandoned :

Act. 1910. And whereas by the Wimbledon and Sutton Railway Act 1910 the Wimbledon and Sutton Railway Company (in this Act referred to as "the Wimbledon Company") were incorporated and authorised to construct and work the railways therein mentioned and by the Wimbledon and Sutton Railway Acts 1913 and 1923 and the Metropolitan District Railway Act 1915 further powers were conferred upon the Wimbledon Company :

And whereas the authorised share capital of the Wimbledon Company amounts to one million one hundred and fifty thousand pounds whereof the Wimbledon Company have issued five hundred and thirty-five shares of ten pounds each and the authorised borrowing powers of the Wimbledon Company amount to five hundred and seventy-five thousand pounds none of which powers have been exercised :

And whereas it is expedient that the undertaking of the Wimbledon Company should be transferred to and vested in the Company on the terms in this Act mentioned and that the Wimbledon Company should be dissolved as provided by this Act :

And whereas it is expedient that certain new railways should be constructed at Wimbledon and Sutton for the purpose of enabling the railways authorised to be constructed by the Wimbledon Company to be worked as part of the Southern Railway system and that certain of those authorised railways which will thereby become unnecessary should be abandoned as by this Act provided :

And whereas by the Ryde Pier Act 1812 the Ryde Pier Company (in this Act referred to as "the pier company") were incorporated and in pursuance of that

and subsequent Acts are the owners of a pier at Ryde and a tramway situate thereon : A.D. 1924.

And whereas the pier of the pier company is situate immediately alongside the railway pier of the Company and at the seaward end the said piers are united forming one continuous landing place and the said piers could be worked more conveniently and economically as one undertaking :

And whereas the capital liabilities of the pier company now consist of ninety-two thousand five hundred and forty-two pounds ten shillings consolidated original stock and sixteen thousand pounds mortgage debenture bonds repayable on the thirty-first day of December one thousand nine hundred and twenty-nine and it is expedient that the undertaking of the pier company should be transferred to and vested in the Company on the terms in this Act mentioned and that the pier company should be dissolved as provided by this Act :

And whereas it is expedient that the Company and the Great Western Railway Company should be empowered to enter into and carry into effect agreements with reference to the joint working and management of traffic arising in or destined for the Channel Islands :

And whereas great inconvenience to the public and expense to the Company arise from the periodical closing of private roads and footpaths of the Company in order to prevent the presumption of a dedication thereof to the public and it is expedient that the maintenance of a notice in a conspicuous position in any such road or footpath forming an access or approach to any station or goods yard or any dock or harbour premises of the Company should be sufficient to prevent such presumption :

And whereas it is expedient that the Company should be empowered to establish a savings bank for the deposit of money at interest by the officers and servants of the Company and their dependants as provided by this Act :

And whereas it is expedient that the Company should be empowered to raise further capital and to apply their funds to the purposes of this Act and to the general purposes of their undertaking and that the Great Western Railway Company should be empowered to apply their funds to the purposes of this Act in which

A.D. 1924. — they are interested and that the other powers in this Act mentioned should be conferred :

And whereas plans and sections showing the lines and levels of the works to be constructed under the powers of this Act and plans of the lands by this Act authorised to be acquired and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were deposited with the clerks of the peace for the several counties within which the said works will be constructed and the said lands are situate which plans sections and book of reference are in this Act respectively referred to as "the deposited plans sections and book 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 King'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 for all purposes as the Southern Railway Act 1924.

Interpre-
tation.

2. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in relation to the relative subject matter the same respective meanings And

"The Company" means the Southern Railway Company;

"The dock works" means the reclamation walls (No. 1) and (No. 2) the jetties and the graving docks by this Act authorised;

"The railways" means the railways Nos. (1) to (6) by this Act authorised;

"The Harbour Board" means the Southampton Harbour Board;

"The Wimbledon Company" means the Wimbledon and Sutton Railway Company;

"The date of vesting" means the first day of July one thousand nine hundred and twenty-four;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878; A.D. 1924.

“The pier company” means the Ryde Pier Company; and

“The appointed day” means the first day of January one thousand nine hundred and twenty-four;

All distances and lengths stated in any description of works or lands shall be read and have effect as if the words “or thereabouts” were inserted after each such distance and length.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Act (that is to say):— Incorporation of general Acts.

The Lands Clauses Acts—

Provided that any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party:

The Harbours Docks and Piers Clauses Act 1847 except sections 16 to 19 of that Act unless the Company shall be required by the Board of Trade to provide and maintain a lifeboat and a tide and weather gauge:

Provided that the following expressions used in the Harbours Docks and Piers Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions “packet boat” and “post office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “post office bag of letters” means a mail bag as defined by the same Act:

A.D. 1924.

Provided further that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to construction of a railway) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863:

Provided that for the purposes of the said Part V. the pier company shall be deemed to be a railway company dissolved by this Act:

The Companies Clauses Consolidation Act 1845 as incorporated with and varied by the Railways (Southern Group) Amalgamation Scheme 1922:

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts and as incorporated with and varied by the said Scheme.

Protection
of gas and
water mains
of local
authorities.

4. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the gas and water mains pipes and apparatus of any local authority or gas or water board and shall be construed as if "local authority" "gas board" and "water board" were mentioned in those sections in addition to "company" or "society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority or gas or water board to which their revenues in respect of gas or water (as the case may be) are appropriated.

Power to
make dock
works.

5. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the works hereinafter described with all necessary and convenient bridges rails sluices drains culverts walls approaches roads buildings yards shipping places wharves depôts warehouses sheds watchhouses staithes jetties stairs landing places stages quays gates entrances slips cranes dolphins pontoons booms sewers pumping stations and other works appliances and conveniences connected therewith and may enter upon

take and use such of the lands delineated on the deposited plans and described in the deposited book of reference relating thereto as may be required for those purposes and for any other purposes connected with their undertaking (that is to say) :—

A.D. 1924.

In the county and county borough of Southampton—

An embankment or reclamation wall (No. 1) commencing at Millbrook Point and terminating on the eastern side of the Royal Pier.

A reclamation wall (No. 2) commencing at a point in the existing embankment 137 yards west of High Street and terminating at a point on the west side of the Town Quay Jetty.

A jetty (No. 1) commencing at a point in the embankment or reclamation wall (No. 1) and proceeding thence in a south-easterly direction for a distance of 375 yards and there terminating.

A jetty (No. 2) commencing at a point in the embankment or reclamation wall (No. 1) and proceeding thence in a south-easterly direction for a distance of 375 yards and there terminating.

A jetty (No. 3) commencing at a point in the embankment or reclamation wall (No. 1) and proceeding thence in a south-easterly direction for a distance of 375 yards and there terminating.

A jetty (No. 4) commencing at a point in the embankment or reclamation wall (No. 1) and proceeding thence in a south-easterly direction for a distance of 375 yards and there terminating.

A jetty (No. 5) commencing at a point in the embankment or reclamation wall (No. 1) and proceeding thence in a south-easterly direction for a distance of 375 yards and there terminating.

A graving dock (No. 1) situate on land to be reclaimed by the embankment or reclamation wall (No. 1) (with an entrance through that

A.D. 1924.
—

wall) commencing at a point 586 yards south of the house known as No. 18 Millbrook Road and terminating at a point 769 yards west of the house known as St. Michael's House St. Michael's Square.

A graving dock (No. 2) situate on land to be reclaimed by the embankment or reclamation wall (No. 1) (with an entrance through that wall) commencing at a point 700 yards south of the house known as No. 4 Millbrook Road and terminating at a point 600 yards west of the "Royal Standard" public house West Quay Esplanade.

Reclamation
of lands.

6. Subject to the provisions of this Act the Company may by means of the reclamation walls (No. 1) and (No. 2) by this Act authorised enclose and reclaim from Southampton Water and the River Test such part of the bed foreshore and banks of the said river as is situate on the landward side of the said reclamation walls respectively.

Power to
dredge.

7. Subject to the provisions of this Act the Company for the purpose of constructing and maintaining the dock works and providing access thereto respectively may deepen dredge scour cleanse alter and improve the bed shores and channel of the River Test and Southampton Water and may use and appropriate the soil and material so dredged or removed. Provided that any materials so dredged or removed if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade.

Power to
alter water-
courses
pipes &c.

8. Subject to the provisions of this Act the Company may cross divert alter or stop up any creeks streams watercourses roads ways footpaths sewers drains culverts pipes mains wires and cables which it may be necessary to cross divert alter stop up or interfere with in connection with the construction or maintenance of the dock works :

Provided that the Company shall not divert alter or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

9. The Company may from time to time take divert and impound water from Southampton Water and the tidal estuary of the River Test below the railway viaduct at Redbridge for the purpose of supplying the graving docks by this Act authorised with water.

A.D. 1924.

—
Power to impound water from Southampton Water and River Test.

10. The limits within which the powers of any dock master or other official appointed by the Company may be exercised shall include the dock works and all lands acquired or held by the Company in connection therewith but shall not extend on the riverward side of the termination of any of the jetties authorised by this Act to a greater extent than twice the width of any vessel approaching lying at or departing from such jetty and nothing contained in this section shall interfere with the jurisdiction of the Harbour Board or of their harbour master.

Extension of limits of dock master's jurisdiction.

11. For the purpose of demanding and recovering rates rents and dues and (subject to the provisions of this Act) for all other purposes the dock works shall be deemed part of the dock undertaking acquired by and vested in the Company under the provisions of the Southampton Docks Act 1892.

Rates at dock works.

12. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on in over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Works below high-water mark to be subject to approval of Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

13. 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

Survey of works by Board of Trade.

A.D. 1924. — under the powers of this Act on in over through or across tidal lands or tidal water 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 as a Crown debt or summarily.

Abatement
of work
abandoned
or decayed.

14. If a work constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it 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 as a Crown debt or summarily.

Lights on
works
during con-
struction.

15. The Company shall at or near the works below high-water mark authorised by this Act during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade may from time to time require or approve.

If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent
lights on
works.

16. The Company shall at the outer extremity of their works below high-water mark authorised by this Act exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision
against
danger to
navigation.

17. In case of injury to or destruction or decay of the works authorised by this Act or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may

be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

A.D. 1924.

18. Nothing in this Act contained authorises the Company :—

For protec-
tion of War
Depart-
ment.

- (1) To take enter upon use or interfere with any land soil or water or any right in respect thereof for the time being vested in or in the occupation of or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department (in this section referred to as "the Secretary of State") or in of or by any other person body or corporation acting for or on behalf of the Secretary of State without his consent signified in writing under his hand which consent he is authorised to give subject to such special or other conditions as he shall see fit to impose on the Company; or
- (2) To take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State without such consent as aforesaid.

19. If during the construction of the dock works or at any time after the completion thereof the Company shall in the opinion of the Admiralty impede or interfere with the access to the Royal Naval Magazine Establishment Pier at Marchwood in the county of Southampton the Company shall effect carry out and maintain at their own expense and to the satisfaction of the Admiralty all such additional works and dredging or other alterations or improvements to the bed shores and channel of Southampton Water as the Admiralty may deem necessary to secure access to the said pier equivalent to that now existing namely fourteen decimal seventy-five feet below Ordnance datum in the berth alongside the pier and sixteen decimal seventy-five feet below Ordnance datum in the access channel to the berth.

For pro-
tection of
Admiralty.

A.D. 1924.

—
For pro-
tection of
Southamp-
ton Corpo-
ration.

20. Subject to the provisions of the sections of this Act of which the marginal notes are "Works below high-water mark to be subject to approval of Board of Trade" and "Crown rights" but notwithstanding any other provision of this Act the following provisions shall apply and have effect except so far as may be otherwise agreed in writing between the Company and the mayor aldermen and burgesses of the borough of Southampton under their respective common seals (that is to say) :—

(1) In this section—

"the corporation" means the mayor aldermen and burgesses of the borough of Southampton;

"the borough" means the borough of Southampton;

"the signed plan" means the plan signed by William Bishop on behalf of the Company and by Sir Richard Roope Linthorne on behalf of the corporation :

(2) The corporation may and at the request of the Company shall grant and convey to the Company without the Company making any payment therefor the lands containing twenty-seven decimal three acres or thereabouts coloured pink and the lands containing fourteen decimal two acres or thereabouts hatched pink on the signed plan for all the estate and interest of the corporation in those lands :

(3) The corporation shall grant and convey the said lands subject to such rights (if any) over the same as may be held or enjoyed by the Pirelli General Cable Works Limited or other the lessee or assignee for the time being under an indenture of lease dated the thirtieth day of September one thousand nine hundred and fifteen and made between the corporation of the one part and Hugo Hirst of the other part and the Company shall by purchase or otherwise extinguish any rights of access or other rights held or enjoyed by the Pirelli General Cable Works Limited or such other lessee or assignee as aforesaid over or in respect of the lands coloured grey on the said plan and shall

at all times keep the corporation indemnified against all claims or demands whatsoever against the corporation on account of such lessee or assignee being deprived of such rights or any of them :

- (4) Upon the completion of the conveyance by the corporation to the Company of the said lands coloured pink and hatched pink on the signed plan the corporation shall thereupon give to the Company vacant possession of such lands and also of the lands coloured green on the signed plan and the Company upon such possession being so given shall be at liberty to construct and maintain and for ever thereafter keep so much of the reclamation wall (No. 1) as will be situated upon such last-mentioned lands without making any payment to the corporation therefor and the corporation shall grant to the Company any easement that may be required by them in connection therewith :
- (5) Contemporaneously with or immediately after the completion of so much of reclamation wall (No. 1) as will be situate upon or immediately to the south of the lands coloured pink and green on the signed plan the Company shall at their own expense with all reasonable speed and to the reasonable satisfaction of the corporation reclaim the lands belonging to the corporation lying to the north of the site of the said reclamation wall (No. 1) and coloured respectively grey and green on the signed plan by depositing thereon sufficient suitable soil taken from the bed of the estuary of the River Test or Southampton Water or procured elsewhere in order to bring the level of the said lands when the soil thereon has become properly consolidated to the height of ten feet nine inches above Ordnance datum and the Company shall complete the reclamation of the said lands within twenty months from the completion of so much of reclamation wall (No. 1) as aforesaid The corporation shall afford to the Company all reasonable rights of access to the lands referred to in this subsection for the purposes

A.D. 1924.
—

of the said reclamation and all reasonable rights of access to the said lands coloured green on the signed plan for the purpose of constructing reclamation wall (No. 1) and the Company shall for ever maintain the said reclamation wall for the purpose of maintaining the said lands :

- (6) In connection with the works authorised by this Act and for the purpose of reclaiming and maintaining the lands coloured green on the signed plan the Company shall to the reasonable satisfaction of the corporation carry out and for ever after maintain such works as shall ensure the support of the said lands coloured green :
- (7) So much of the said reclamation wall (No. 1) as will be situate upon or immediately to the south of the lands coloured green on the signed plan and the works to be carried out under subsection (6) of this section shall be constructed and maintained by the Company with due regard to the purposes for which the said lands are to be used and shall not be used by the Company except for the purpose of maintaining the said lands. The top of so much of that wall as aforesaid may be used by the corporation and other persons with their permission and if the corporation so determine shall form part of the recreation ground provided on those lands :
- (8) If the reclamation wall (No. 1) and the reclamation wall (No. 2) authorised by this Act shall not have been completed within the period prescribed by this Act for the completion of the dock works or any extension of that period which may be consented to by the corporation (whose consent shall not be unreasonably withheld) and authorised by Parliament any lands granted or conveyed by the corporation to the Company in pursuance of the foregoing provisions of this section shall upon the expiration of such period or extended period vest in and become the property of the corporation :
- (9) The corporation so far as they are in a position so to do shall permit the Company to use the land coloured orange on the signed plan for the

construction of reclamation wall (No. 2) authorised by this Act and contemporaneously with or immediately after the construction of that wall the Company shall at their own expense with all reasonable speed and to the reasonable satisfaction of the corporation reclaim the said land coloured orange by depositing thereon sufficient suitable soil taken from the bed of the estuary of the River Test or Southampton Water or procured elsewhere in order to bring the level of the said land when the soil has been properly consolidated to the level of the adjoining road and on the completion of the said reclamation wall (No. 2) and of the reclamation of the said land coloured orange the corporation shall convey all their estate and interest in such land to the Harbour Board :

- (10) The Company shall not acquire enter upon take use or otherwise appropriate under the powers of this Act any lands belonging to the corporation or any easements or rights over such lands other than the lands and easements hereinbefore referred to and the land containing five hundred and fifty square yards or thereabouts coloured purple on the signed plan being part of the land numbered 50 on the deposited plans and the Company shall not acquire any lands belonging to the corporation other than the said lands respectively coloured pink hatched pink and coloured purple :
- (11) On the completion of all the aforesaid reclamations to the reasonable satisfaction of the corporation the corporation shall pay to the Company the sum of thirty-five thousand pounds :
- (12) In the event of the lands coloured pink and the lands hatched pink on the signed plan being conveyed to the Company in pursuance of this section and of the Company failing to complete the said reclamations or any of them in accordance with the provisions of this Act the corporation may carry out or complete the said reclamations or any of them at the expense of the Company in such manner or by such method

A.D. 1924.

as the corporation may think fit and the corporation may recover from the Company the expense reasonably incurred by them in so doing :

- (13) The Company at their own expense shall construct and for ever thereafter maintain to the reasonable satisfaction of the corporation (a) two landing slips in reclamation wall (No. 1) at a point in front of the said lands coloured green to be determined by the corporation and (b) such landing slip in the said reclamation wall (No. 1) and reasonable means of access therefrom to existing public highways in the borough as may be found necessary for affording to the public facilities for loading and unloading vessels in the estuary of the River Test equivalent so far as reasonably practicable to the similar facilities now existing at or in connection with the public hard near Millbrook Station :
- (14) The corporation and the public shall have reasonably adequate means of access through and across any works and lands of the Company to and from the said landing slips when provided in front of the said lands coloured green :
- (15) The Company shall either afford to the corporation as and when from time to time required by them such reasonable accommodation free of charge within the area of the dock works or shall at their own expense construct on the south side of reclamation wall (No. 1) at a point and according to plans and specifications to be reasonably approved by the corporation a quay or wharf in either case so as to afford to the corporation for their own purposes reasonable facilities for loading and unloading vessels together with adequate means of access to and from such dock works or such quay or wharf from and to the said lands coloured grey and the corporation's electricity generating station and such quay or wharf and the means of access thereto and therefrom when constructed shall be reserved for the use of the corporation free of charge :

A.D. 1924.

(16) Before constructing any of the dock works to such an extent as to diminish the existing facilities enjoyed by the corporation for obtaining water from the estuary of the River Test for use at their public baths at the Western Esplanade or at their electricity generating station or for discharging sewage surface water storm water or other drainage and water into the estuary of the said river the Company at their own expense shall construct and for ever thereafter maintain to the reasonable satisfaction of the corporation such conduits culverts pipes sewers drains or other works as the corporation may reasonably require—

(a) for the purpose of conveying from and to the estuary of the said river to and from the said baths such a supply of river water as shall from time to time be adequate to meet the requirements of the corporation in connection with the said baths ;

(b) for the purpose of conveying from and to the estuary of the said river to and from the said generating station such a supply of river water as shall from time to time be adequate to meet the requirements of the corporation in connection with the said generating station ;
and

(c) for the purpose of extending the existing conduits culverts pipes sewers and drains of the corporation so as to enable the corporation to continue their existing discharge of sewage surface water storm water or other drainage into the estuary of the said river at some point or points on the southern limits of the dock works :

(17) For the purpose of affording such reasonable traffic facilities to and from the said generating station from and to the Southampton and Dorchester Railway of the Company as it may be reasonably anticipated will be required by the corporation the Company shall at any time within a period of five years from the passing of this Act upon the request and at the cost of the corporation and upon such terms and conditions as may

A.D. 1924.

be agreed or as failing agreement shall be determined by arbitration improve or alter the existing sidings and railway lines connecting the said generating station with the Company's said railway to such extent and in such manner as the corporation may reasonably require and as may be reasonably approved by the Company :

- (18) The Company shall not stop up discontinue or otherwise interfere with the existing public footpath on the south side of the Southampton and Dorchester Railway between the footbridge at Millbrook Station and the east end of Southampton West Station until the new road (No. 3) authorised by this Act has been constructed made up levelled paved metalled sewered flagged and channelled to the reasonable satisfaction of the corporation and has been opened to the public and until the Company shall have constructed made up and completed to the like satisfaction and have opened to the public a new footpath commencing at the termination of the said new road (No. 3) and terminating at the said footbridge at Millbrook Station :
- (19) Except so far and for such periods as may be reasonably necessary during the carrying out of the works by this Act authorised the Company shall not stop up discontinue or interfere with the footbridges over the said railway at Millbrook Station and Southampton West Station or either of them but shall maintain the said footbridges and the approaches thereto and keep the same in proper repair and adequately lighted :
- (20) Except so far and for such periods as may be reasonably necessary during the carrying out of the works by this Act authorised the Company shall not stop up discontinue or interfere with the existing footbridge over the railway at the south end of Cracknore Road but the Company shall lengthen the said footbridge to the reasonable satisfaction of the corporation so as to carry the footpath thereon over the said railway when widened and shall to the like satisfaction construct a new footpath connecting the said footbridge so lengthened with the said new road

(No. 3) and shall open the said lengthened footbridge and the said footpath to the public and shall maintain the said footbridge and the approaches thereto and keep the same in proper repair and adequately lighted :

- (21) When the new road (No. 3) authorised by this Act or any of the footpaths referred to in subsections (18) and (20) of this section (other than so much of those footpaths as will be situate upon bridges and the approaches thereto) has been opened for public traffic it shall vest in the corporation as a highway repairable by the inhabitants at large :
- (22) All bridges constructed by the Company under the provisions of this Act within the borough for the purpose of carrying any public highways over their railway together with the parapets retaining walls and fences thereof and the approaches thereto shall be constructed and for ever thereafter maintained by the Company to the reasonable satisfaction of the corporation in such condition and of such strength as may be necessary for accommodating the traffic from time to time passing or desirous of passing across the said bridges :
- (23) The Company shall consent to any reasonable application which the corporation may make for power to lay down maintain and use tramways along the carriageway of any of the said bridges and the approaches thereto but so far as may be necessary may oppose any such application for the purpose of securing adequate protection for their property rights and interests :
- (24) The Company shall not under the powers of this Act break up any street in the borough or raise sink or alter the position of any sewer drain or watercourse or any water or electric mains pipes services or apparatus of the corporation until they shall have given to the corporation one month's notice in writing of their intention to commence the intended works accompanied by plans sections and other necessary particulars showing the works proposed to be executed by the Company so far as they affect the streets sewers

A.D. 1924.

drains watercourses water and electric mains pipes services and apparatus proposed to be interfered with and such works shall be executed by the Company in accordance with plans sections and particulars reasonably approved by the corporation and to their reasonable satisfaction Provided that if the corporation so desire any raising sinking or altering of the position of any sewer drain watercourse water or electric mains pipes services or apparatus shall be effected by the corporation and the expense thereof reasonably incurred by the corporation shall be repaid by the Company :

- (25) The Company in carrying out the works authorised by this Act or any works on lands to be acquired under the powers of this Act shall to the reasonable satisfaction of the corporation make good all damage which may be caused to or may be the consequence of any interference with any sewer drain or watercourse or to any water or electric main pipe service or apparatus of the corporation :
- (26) Whenever it may be necessary to intercept or remove or displace or otherwise interfere with any sewer or drain of the corporation the Company shall before intercepting removing displacing or interfering with such sewer or drain construct according to a plan to be reasonably approved by the corporation another sewer or drain in lieu of and of equal capacity to the sewer or drain so proposed to be intercepted removed displaced or interfered with and such substituted sewer or drain shall be connected by the corporation at the reasonable expense of the Company with the existing sewer or drain :
- (27) If it shall be necessary to construct any works over any sewer drain or water or electric main belonging to the corporation provision shall be made to the reasonable satisfaction of the corporation for protecting such sewer drain or water or electric main from injury and for affording convenient access thereto for the purpose of examination alteration enlargement renewal or repair :

A.D. 1924.

(28) The corporation shall be entitled (subject to and in accordance with the provisions of the Acts empowering them so to do) to lay down and maintain sewers drains and water and electric mains in any road or footway across any bridges constructed or altered under the powers or in pursuance of the provisions of this Act :

(29) If by reason of the exercise of any of the powers of this Act or the carrying out of any works on lands to be acquired under the powers of this Act the corporation shall reasonably incur any cost in altering or removing any existing sewer drain or water or electric main or apparatus the Company shall repay such cost to the corporation on demand :

(30) (a) The corporation may borrow at interest the sum of thirty-five thousand pounds to be paid by them to the Company under this section and shall repay the same within the period of sixty years from the date of borrowing ;

(b) For securing the repayment of the money borrowed under this subsection and the payment of interest thereon the corporation may mortgage or charge the borough fund and borough rate of the borough Provided that this provision shall not limit the powers conferred upon the corporation by section 80 (Power to use one form of mortgage for all purposes) of the Southampton Corporation Act 1910 ;

(c) The provisions of the Southampton Corporation Water Act 1921 shall extend and apply to the exercise of the powers of this subsection as if those powers had been conferred by that Act and for that purpose the prescribed period shall be the period of sixty years from the date upon which the money is borrowed :

(31) The provisions of section 25 (Power to retain sell &c. lands) of the Southampton Corporation Act 1910 shall extend and apply to the lands of the corporation reclaimed under the provisions of this section and the corporation may appropriate and use as a recreation ground the lands coloured green on the signed plan when reclaimed :

A.D. 1924.

- (32) Any difference which may arise between the corporation and the Company under this section shall be referred to the arbitration of an engineer or other fit person to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of
Harbour
Board.

21. Except so far as may be otherwise agreed in writing between the Company and the Harbour Board (in this section referred to as "the board") under their respective common seals the following provisions shall apply and have effect notwithstanding anything contained in this Act (that is to say):—

- (1) In constructing the dock works the Company shall not deviate laterally from the lines of those works as shown on the deposited plans on the riverward side of those lines:
- (2) The Company shall not under the powers of this Act construct erect bring forward or retain any quay pier wharf landing place wall or other work (other than jetties of open-pile construction) or any part of such work on the bed bank or shore of the River Test in advance of or on the riverward side of the line of reclamation wall (No. 1) shown on the deposited plans:
- (3) The Company shall not under the powers of this Act construct erect bring forward or retain any quay pier or other construction of open-pile work or any part thereof on the bed bank or shore of the River Test in advance of a straight line connecting the terminations of the jetties authorised by this Act as shown on the deposited plans:
- (4) Nothing contained in this section shall prevent the Company from executing the works and conveniences which they are required to execute under subsections (13) and (15) of the section of this Act whereof the marginal note is "For protection of Southampton Corporation":
- (5) Reclamation wall (No. 1) authorised by this Act shall be constructed so as to terminate on the western side of the Royal Pier and the Company shall not acquire or interfere with any part

of that pier except with the consent of the board and except such interference with the pier as may be reasonably necessary during and in connection with the construction of the dock works. The Company shall pay to the board compensation in respect of any damage sustained by them in consequence of such interference :

- (6) Contemporaneously with or immediately after the construction of reclamation wall (No. 2) authorised by this Act the Company shall at their own expense with all reasonable speed and to the reasonable satisfaction of the board reclaim the land on the northerly side of that wall by depositing thereon sufficient suitable soil taken from the bed of the River Test or Southampton Water or procured elsewhere in order to bring the level of the said land when the soil has been properly consolidated to the level of the adjoining road and on the completion of the said reclamation wall (No. 2) and of the reclamation of the said land such land shall be conveyed to the board :
- (7) The Company shall not acquire any lands belonging to or under the control of the board for the purposes of Railway (No. 2) authorised by this Act but the Company may purchase and acquire an easement or right of making maintaining and using that railway on such lands in accordance with the section of this Act whereof the marginal note is " Power to acquire easements compulsorily " but subject to the provisions of this section :
- (8) Railway (No. 2) shall be constructed and thereafter maintained to the reasonable satisfaction of the board in accordance with plans sections and other necessary particulars submitted to and reasonably approved by them. Provided that if within two months after such plans sections and particulars have been submitted to the board they do not give notice to the Company that they object thereto the board shall be deemed to have approved thereof :

A.D. 1924.

- (9) Any expense incurred by the board in altering their existing tramways or in providing additional facilities in connection therewith and necessitated by the construction of Railway (No. 2) and any additional expense incurred by them in the maintenance and repair of their existing tramways necessitated by the construction of that railway shall be paid by the Company :
- (10) Railway (No. 2) shall be so constructed maintained and used as not unnecessarily to interfere with the access to or from the Royal Pier or any part of the Town Quay and shall be used only for the purpose of transferring locomotives coaches and wagons whether loaded or not from and to the dock works to and from the existing docks of the Company in Southampton and not for the running of passenger or merchandise trains proceeding to points on the railway of the Company beyond those docks :
- (11) The Company shall not permit any locomotives wagons or carriages to remain standing opposite the entrance to the Royal Pier nor unnecessarily on any other part of Railway (No. 2) situate upon land belonging to or under the control of the board and in the exercise of the powers of this Act shall not unnecessarily obstruct or interfere with the traffic on the tramways of the board :
- (12) Subject to the provisions of the section of this Act whereof the marginal note is " Works below high-water mark to be subject to approval of Board of Trade " all works to be executed under the powers of this Act within the jurisdiction of the board and below high-water mark shall be executed in accordance with plans sections and other necessary particulars submitted to and reasonably approved by the board and to their reasonable satisfaction Provided that if within two months after such plans sections and particulars have been submitted to the board they do not give notice to the Company that they object thereto the board shall be deemed to have approved thereof :

A.D. 1924.

(13) Subject to the provisions of the section of this Act whereof the marginal note is "Crown rights" the Company shall dredge as and when required for their own purposes so much of the bed of the River Test as is situate within a distance of six hundred feet from any part of the dock works and when in their opinion it is necessary so much thereof as is situate within the distance of eight hundred feet from any part of those works and the Company shall at all times maintain the river when so dredged by them at a sufficient depth for vessels proceeding to or departing from the dock works Provided that any materials so dredged or removed if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade :

(14) No part of the bed of the River Test acquired by the Company under the powers of this Act shall be used except for the purposes of the works authorised by this Act and shown on the deposited plans and sections but nothing in this subsection shall prevent the Company from dredging the bed of the said river :

(15) The acquisition by the Company of any part of the bed of the River Test shall not prejudice or affect the rights powers and interests of the board in respect thereof :

(16) The Company shall not under the powers of this Act raise sink or alter the position of any sewer drain watercourse or other works of the board except with the consent of the board which consent shall not be unreasonably withheld :

(17) The Company shall not under the powers of this Act construct or permit the construction of a pier to which the public shall have access as a promenade either free or on payment of a toll nor shall they do anything to divert to the dock works the coasting traffic now using the Town Quay or Royal Pier :

A.D. 1924.

(18) In all cases where passengers are embarked at the dock works by vessels owned or chartered by the Company for trips to Portsmouth or the Solent the Isle of Wight or any South Coast watering place and the Company receive payment in respect of such passengers the Company will either land such passengers at the Royal Pier or pay the sum of one penny to the board in respect of each of such passengers so embarked :

(19) Any difference which may arise between the board and the Company under this section shall be referred to the arbitration of an engineer or other fit person to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of
Mrs. Barker-
Mill.

22. For the protection of Marianne Vaudrey Barker-Mill or other the owner for the time being of the Mill Estate and the Eling Estate in the county of Southampton (all of whom are in this section referred to as "the owner") the following provisions shall unless otherwise agreed between the owner and the Company apply and have effect :—

(1) If at any time and from time to time after the commencement during construction and for a period of four years after the completion of each of the dock works by this Act authorised it shall be proved by the owner that any land or property now belonging to her or of which she is now tenant for life situated on the River Test has been injuriously affected or interfered with or damaged or rendered less valuable by flooding and/or erosion by reason or in consequence of the construction or maintenance of each such work or of the dredging by the Company of the bed or foreshore of the River Test the Company shall pay to the owner in respect thereof such compensation in money as may be agreed or shall be settled in case of difference by arbitration as in this section provided :

(2) For the purpose of ascertaining the effect on the levels of high and low-water marks or either of

them and the extent to which (if any) such levels have been varied from those existing at the passing of this Act by reason or in consequence of the construction and maintenance of the dock works and/or of the dredging by the Company of the River Test during the construction and after the completion of any such work the Company shall at their own expense erect and maintain two proper and suitable automatic recording tide gauges one at the Company's Southampton Docks and the other at or above Redbridge Wharf and the continuous records afforded by such tide gauges shall be kept by the Company and be open to inspection and examination by the owner or her agents at all reasonable times and the owner or her agents shall be entitled free of charge to take copies of such records. In case of any wilful neglect on the part of the Company to maintain such tide gauges in a state of efficiency and to keep the records thereof the Company shall for every day on which such neglect occurs forfeit and pay to the owner the sum of five pounds:

- (3) Any question which may arise between the Company and the owner under the provisions of this section shall be referred to the arbitration of a single arbitrator to be appointed on the application of either party by the President of the Surveyors Institution and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

23. For the protection of Marianne Vaudrey Barker-Mill and John Wilson Potter the owner and lessee respectively of the Mill Estate salmon fishery on the River Test and its tributaries or other the owner and lessee of such fishery for the time being (all of whom are in this section included in the expressions "the owner" and "the lessee" respectively) the following provisions shall unless otherwise agreed between the owner and the lessee and the Company apply and have effect (that is to say):—

For protection of certain salmon fisheries.

- (1) If at any time during the period between the commencement of each of the dock works by

A.D. 1924.

this Act authorised and the end of the fifth year' after the completion of such dock work it appears from the records hereinafter in this section mentioned that the average number of salmon taken annually in the River Test and its tributaries by the owner or the lessee within any consecutive period of five years is less than the average number so taken annually during the period of five years immediately prior to the commencement of whichever of the dock works is first commenced and it shall be proved by the owner or the lessee that any interference with the said fishery has taken place by reason or in consequence of any such dock work or works or of the dredging of the River Test by this Act authorised the Company shall pay compensation in money to the owner or the lessee as the case may be for any damage or loss such owner or lessee may have sustained by reason of such interference and the amount of such compensation shall in case of difference be settled by arbitration as in this section provided:

- (2) For the purpose of ascertaining the number of salmon taken in the said fishery the returns of salmon taken therein made to the Hampshire Fishery Board and the records of that board relating thereto shall be accepted by the owner or the lessee as the case may be and the Company as *primâ facie* evidence for the purposes of this section of the number of salmon taken:
- (3) Any question which may arise between the Company and the owner or the lessee as the case may be under the provisions of this section shall be referred to the arbitration of a single arbitrator to be appointed on the application of any of the parties by the President of the Surveyors Institution and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Power to
make rail-
ways.

24. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the railways and widening of railway

hereinafter described with all necessary works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference relating thereto as may be required for those purposes and for any other purposes connected with their undertaking (that is to say):—

In the county and county borough of Southampton—

Railway (No. 1) (2 miles and 6 chains in length) commencing by a junction with the Southampton and Dorchester Railway of the Company at a point 215 yards west of Millbrook Station and terminating on the south side of the West Quay Esplanade at a point 56 yards north-west of the Royal Pier toll house.

Railway (No. 2) (1 furlong 4·45 chains in length) commencing at the point of termination of Railway (No. 1) and terminating by a junction with the tramway of the Harbour Board in the road known as Town Quay at a point 37 yards east of High Street.

A widening (1 mile 4 furlongs in length) of the Company's Southampton and Dorchester Railway on its south side commencing at a point 638 yards west of the western end of Millbrook Station and terminating at a point 172 yards west of the western face of Blechynden Tunnel.

In the county of Surrey—

Railway (No. 3) (6 furlongs 1 chain in length) commencing in the borough of Wimbledon by a junction with the Company's Tooting Merton and Wimbledon line at a point 54 yards south-west of the bridge carrying the road over that railway at Wimbledon Station and terminating in the urban district of Merton and Morden by a junction with Railway (No. 5) authorised by the Wimbledon and Sutton Railway Act 1910 at a point in The Chase 130 yards west of Chatsworth Avenue.

Railway (No. 4) (5·7 chains in length) in the urban district of Sutton commencing by a junction with Railway (No. 5) authorised by

A.D. 1924.

the said Act of 1910 at a point on the north side of the Company's Croydon and Epsom Railway 130 yards west of Bridge Road and terminating by a junction with the last-mentioned railway at a point 4 yards west of that road.

Railway (No. 5) (1 furlong 5 chains in length) in the urban district of Leatherhead commencing at a point on the Company's Horsham and Leatherhead Railway 25 yards south of the southern end of the Leatherhead Station on that railway and terminating at a point on the Company's railway from Leatherhead to Bookham 45 yards north of the River Mole.

Railway (No. 6) (1 furlong 8 chains in length) in the urban district of Dorking commencing at a point on the Company's Horsham and Leatherhead Railway at the southern end of Dorking North Station and terminating at a point on the Company's Guildford and Reigate Railway 240 yards east of the bridge carrying that railway over the said Horsham and Leatherhead Railway.

Rates and charges on railways and widening.

25. For the purpose of demanding and recovering tolls fares rates and charges and for all other purposes the railways and the widening of railway by this Act authorised shall be deemed to form part of the undertaking of the Company.

Period for completion of certain works.

26. If the dock works are not completed within the period expiring on the first day of October one thousand nine hundred and thirty-four and if the railways are not completed within the period expiring on the first day of October one thousand nine hundred and twenty-nine then on the expiration of those periods respectively the powers by this Act granted for making and completing the same respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Imposing penalty if railways not opened within period limited.

27. If the Company fail within the period limited by this Act to complete the railways and open the same for public traffic they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and

opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway in respect of which such penalty has been incurred. A.D. 1924.

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 3 of the Railway and Canal Traffic Act 1854.

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 and to the credit 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 Minister of Transport that the Company were prevented from completing or opening the railways 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.

28. 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 in respect of which the penalty has been incurred or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of such railway 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. Application
of penalty.

If no such compensation is payable or if a portion of the sum or sums of money so recovered by way of

A.D. 1924.

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 in respect of which the penalty has been incurred 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 re-transferred to the Company.

For protec-
tion of
Metro-
politan
District
Railway
Company.

29. For the protection of the Metropolitan District Railway Company (in this section referred to as "the district company") the following provisions shall unless otherwise agreed in writing between the Company and the District Company apply and have effect:—

- (1) The Company shall at their own cost if and when required by the district company so to do construct connecting lines from their Wimbledon and Fulham Railway so as to enable the trains of the district company to run from and to the Wimbledon and Fulham Railway to and from Wimbledon Station and all stations on Railways Nos. 3 and 4 by this Act authorised and on the Wimbledon and Sutton Railway and shall afford the district company convenient terminal accommodation at Sutton Station:
- (2) The provisions of section 12 of the Wimbledon and Sutton Railway Act 1910 shall continue to apply to such of the railways and portion of railway authorised by that Act as are not abandoned by this Act and shall also extend and apply to such connecting lines as aforesaid and to all intervening lines including Railways Nos. 3 and 4 by this Act authorised as may be necessary for the exercise by the district company of running powers between the Wimbledon and Fulham Railway and Sutton Station including that station and all intervening stations:
- (3) The provisions of subsection (3) of section 11 and of sections 54 and 57 of the said Act of

1910 shall extend and apply to the through route so formed from the Wimbledon and Fulham Railway to Sutton Station. A.D. 1924.

30. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Wimbledon (in this section referred to as "the corporation") shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the corporation and the Company have effect (that is to say):—

For protec-
tion of
Wimbledon
Corporation.

(1) Railway (No. 5) authorised by the Wimbledon and Sutton Railway Act 1910 and Railway (No. 3) by this Act authorised shall be carried over the strip of land known as "The Chase" situate on the boundary of the borough of Wimbledon and within the urban district of Merton by means of a girder bridge to be provided and maintained by and at the cost of the Company and such bridge shall be constructed with a clear span throughout of not less than fifty feet measured on the square across "The Chase" and with a clear headway throughout of not less than sixteen feet and shall be of such design and construction as shall be reasonably approved by the corporation and in the construction of the said bridge such provisions shall be made to the reasonable satisfaction of the corporation as shall be adequate and effectual to secure the discharge of water dripping through the bridge into a proper drain and to prevent any such dripping into "The Chase" beneath the bridge:

(2) For the purpose of enabling a road to be constructed over and along "The Chase" the Company shall convey to the local authorities or local authority constructing such road (free of charge) any land the Company may acquire between the abutments of the bridge to be constructed thereover as in this section provided and so much of the land on either side thereof at any time owned or purchased by the Company as shall be necessary for the said purpose:

A.D. 1924.

- (3) The Company shall carry the said Railway (No. 3) over the occupation road numbered on the deposited plans 18 in the borough of Wimbledon by means of a girder bridge with a clear span throughout of not less than forty feet measured on the square and the inclination of such road when lowered in order to carry the same under the said bridge shall not be more than one foot in twenty-five feet :
- (4) In constructing and maintaining the said Railway (No. 3) the Company shall to the reasonable satisfaction of the corporation make good all damage which may be caused to or may be the consequence of any interference with any sewers or drains belonging to the corporation and if it shall be found necessary to intercept remove displace or otherwise interfere with any such sewer or drain the Company before intercepting removing displacing or interfering with such sewer or drain shall construct according to a plan to be reasonably approved by the corporation another sewer or drain in lieu of and of equal capacity and efficiency to the sewer or drain so proposed to be intercepted removed displaced or interfered with and such substituted sewer or drain shall be connected by the corporation with the existing sewer or drain and the reasonable expenses incurred by the corporation in connection therewith shall be borne by the Company :
- (5) Where the surface of any road or street or any sewer or electric main of the corporation has been interfered with or disturbed by the Company in constructing or maintaining the said Railway (No. 3) or otherwise in the exercise of the powers of this Act the Company shall well and sufficiently and to the reasonable satisfaction of the corporation restore the surface of the road or street or the sewer or main so interfered with or disturbed as the case may be :
- (6) In case of any difference between the Company and the corporation with respect to any of the matters in this section contained such difference

shall be settled and determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid in accordance with the provisions of the Arbitration Act 1889.

A.D. 1924.

31. Notwithstanding anything contained in this Act the following provisions for the protection of Captain the Honourable Reginald Aylmer Ranfurly Plunkett-Erle-Drax his heirs and assigns or other the owner or owners for the time being of the land shown on the deposited plans comprising three and a half acres or thereabouts and numbered thereon 19 in the borough of Wimbledon and of so much of the occupation road numbered thereon 18 in the said borough as adjoins the said land numbered 19 (which said land and portion of road are in this section referred to as "the said lands") shall except so far as may be otherwise agreed in writing between the said owner or owners and the Company apply and have effect (that is to say):—

For protec-
tion of
Captain
Plunkett-
Erle-Erle-
Drax.

(1) The Company shall prior to the commencement of the construction of any part of Railway (No. 3) by this Act authorised serve upon the said owner or owners notice to treat under section 18 of the Lands Clauses Consolidation Act 1845 and the Company shall purchase and take of and from the said owner or owners the whole of the said lands :

(2) The sum or sums of money to be paid to the said owner or owners by the Company in respect of the purchase of the said lands shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement.

32. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make the works hereinafter described with all necessary works and conveniences connected therewith and may enter upon take and use the lands delineated on the deposited plans and described in the deposited book of reference relating thereto and in connection therewith

Power to
Company
to make
further
works.

A.D. 1924. the Company may exercise the powers hereinafter mentioned (that is to say):—

In the county borough and county of Southampton—

A new road (No. 1) commencing at a point in the Western Esplanade opposite the public footbridge over the Company's railway at the east end of Southampton West Station and terminating on the foreshore at a point 55 yards south-west of the said point of commencement;

A new road (No. 2) commencing at a point in the West Quay Esplanade 113 yards north-west of the Royal Pier toll house and terminating on the foreshore at a point 67 yards north-west of the said point of commencement;

A new road (No. 3) commencing in Millbrook Road at the southern end of Almond Road and terminating in the Western Esplanade at a point 87 yards east of the level crossing at Southampton West Station;

A new road (No. 4) commencing in Four Posts Hill at a point 90 yards west of Sidford Street and terminating on the foreshore by a junction with new road (No. 3) at a point 66 yards south of the western end of Southampton West Station;

and the Company may stop up and discontinue—

- (a) the level crossing at Millbrook Station;
- (b) the footpath leading from the said level crossing along the south side of the Southampton and Dorchester Railway to the east end of Southampton West Station; and
- (c) the level crossing at that station;

and as from the stopping up of the said footpath section 34 of the Southampton and Dorchester Railway Act 1845 and sections 20 and 21 of the London and South Western and Southampton and Dorchester Railways Amalgamation Act 1848 are hereby repealed.

In the county of London—

In the metropolitan borough of Southwark—

A widening (No. 1) of the viaduct carrying the Company's railway commencing at the

northern end of the down main platform at Elephant and Castle Station and terminating at a point 10 yards north thereof. A.D. 1924.

A widening (No. 2) of the said viaduct commencing at the southern end of the down main platform at the said station and terminating at a point 55 yards south thereof.

A widening (No. 3) of the said viaduct commencing at the northern end of the up Metropolitan platform at the said station and terminating at a point 16 yards north thereof.

A widening (No. 4) of the said viaduct commencing at the southern end of the up Metropolitan platform at the said station and terminating at a point 43 yards south thereof.

In the metropolitan borough of Lambeth—

A widening (No. 1) of the viaduct carrying the Company's Victoria to Herne Hill Railway commencing at the southern end of the down platform at Brixton Station and terminating at a point 89 yards south-east thereof.

A widening (No. 2) of the viaduct carrying the Company's said railway commencing at the southern end of the up platform at the said station and terminating at a point 72 yards south-east thereof.

In the metropolitan borough of Lewisham—

A widening on both sides thereof of the bridge carrying the Company's Shortlands and Nunhead Branch over Westdown Road Catford.

In the metropolitan borough of Greenwich—

A subway (for electric cables and apparatus) commencing under Stockwell Street at the north-west corner of Greenwich Park Station and terminating under the bridge carrying that street and London Street over the Company's Greenwich line at a point 25 yards south-west of the east face of that bridge.

In the county of Surrey—

A subway in the parish of Oxted in the rural district of Godstone in extension of the

A.D. 1924.

existing subway at Oxted Station commencing at the foot of the steps leading therefrom to the up platform and terminating in the station approach at a point 6 yards south of the entrance to the booking office.

As to works within metropolitan police district.

33. Seven days before entering upon breaking up or otherwise interfering with any street or road in connection with the construction of any works under the powers of this Act within the metropolitan police district the Company shall give notice in writing to the Commissioner of Police of the metropolis and make such arrangements with the said Commissioner of Police as may be reasonably necessary so as to cause as little interference with the traffic in such street or road during the construction of such works as may be reasonably practicable.

For protection of Postmaster-General.

34.—(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not otherwise than by agreement enter upon take or use the properties numbered 12 and 13 in the urban district of Sutton on the said plans relating to Railway (No. 4) or any part thereof respectively.

(2) Notwithstanding the stopping up of the level crossing at the Southampton West Station under the section of this Act the marginal note of which is "Power to Company to make further works" the Postmaster-General shall continue to have the same powers and rights in regard to any telegraphic line of the Postmaster-General which is under the site of the said level crossing as if the same had continued to be a level crossing. Provided that if the Company desire to alter any such telegraphic line the enactments of section 7 of the Telegraph Act 1878 shall thereupon apply in all respects as if the Company were "undertakers" within the meaning of that Act.

For protection of Southampton Gas Light and Coke Company.

35. For the protection of the Southampton Gas Light and Coke Company (in this section referred to as "the gas company") the following provisions shall notwithstanding anything contained in this Act and except so far as it may be otherwise agreed in writing between the Company and the gas company under their

respective common seals apply and have effect (that is to say) :— A.D. 1924.

(1) If in constructing the new road (No. 3) the Company shall require to interfere with the existing mains pipes and apparatus of the gas company they shall at their own expense provide and lay down ready for use to the satisfaction in all respects of the gas company in and under the portion of the said new road (No. 3) situate between the point of termination of such new road and a point at or near the level crossing at the Southampton West Station of the Company a good and sufficient main and other works (in this section referred to as and included in the expression "the substituted main") as the gas company reasonably consider necessary in substitution for the then existing main pipes and other works of the gas company (in this section referred to as and included in the expression "the existing mains") on in and under the road known as the Western Esplanade so interfered with :

(2) In constructing the bridge for carrying the new road (No. 4) over the Southbrook Road the Company shall carry the foundations for the piers of the arches and abutments of the said bridge to a depth below the surface of the roadway of at least four feet. If the face of the abutments is constructed within four feet of the existing main of the gas company and in the opinion of the gas company it is necessary in connection with constructing the said bridge to alter the existing main pipes and other works of the gas company (in this section referred to as and included in the expression "the existing mains") which are laid in Southbrook Road the Company shall in accordance with and subject to the following provisions of this section provide a new main and other works (in this section referred to as and included in the expression "the substituted main") in such position as the gas company may require and to their reasonable satisfaction before interfering with the existing mains :

A.D. 1924.
—

- (3) The Company shall at their own expense make all necessary connections between the existing mains and the substituted main in such manner as the gas company may reasonably require :
- (4) The substituted main shall be of such size as the gas company shall reasonably require but if it is of larger capacity than the existing mains the additional expense incurred by laying a substituted main of such larger capacity shall be borne by the gas company :
- (5) When the Company shall have provided and laid down the substituted main and have connected the same to the existing mains to the reasonable satisfaction of the gas company the Company may remove and appropriate the existing mains :
- (6) Until the substituted main shall have been laid down by the Company and connected to the existing mains as provided in this section the Company shall not do anything to impede or interfere with the passage of gas through any mains pipes and other works of the gas company :
- (7) Not less than twenty-one days before commencing any works in connection with laying the substituted main or any works by this Act authorised affecting any portion of any street road or place in or under which any mains pipes and other works of the gas company (in this section referred to as "the apparatus") are situate the Company shall deliver to the gas company a plan section and description of such works describing the proposed manner of executing the same and showing the whole of the works proposed to be executed in connection therewith :
- (8) The gas company may at any time within twenty-one days of the receipt of such plan section and description by notice in writing intimate to the Company their requirements so far as such works involve interference with the apparatus and the gas company may require the Company in such manner and to such extent as may be reasonably specified by the gas company to provide and lay down pro-

protective and other works and apparatus and to remove raise sink or otherwise alter the position of the apparatus and support the same and to substitute temporarily or otherwise other apparatus and to lay or place under over or around any apparatus cement concrete or other like substance :

Provided that if the gas company shall not within the said period of twenty-one days give any such notice in writing to the Company as aforesaid they shall be deemed to have no requirements to intimate to the Company :

- (9) The Company shall not construct such works as aforesaid except in strict accordance with the said plan section and description as delivered to the gas company or as amended to meet the requirements of the gas company or as determined by arbitration as hereinafter provided and shall carry out all works in connection with the apparatus as may be approved by the gas company or settled by arbitration All works referred to in this subsection shall be executed at the Company's expense and under the superintendence (if given) and to the reasonable satisfaction of the engineer of the gas company :
- (10) Not less than fourteen days before commencing the construction of any such works as aforesaid the Company shall give to the gas company notice in writing of their intention to commence such construction and shall state in such notice the place and time at which they propose so to commence and if within seven days after the receipt of such notice the gas company shall give notice to the Company of their intention themselves to lay down the substituted main or any substituted apparatus or to execute any other works to or in connection with the apparatus as provided by this section it shall be lawful for the gas company instead of the Company to lay down the substituted main or such substituted apparatus or execute such works and the expense reasonably incurred by them in so doing shall on demand be repaid to the gas company by the Company :

A.D. 1924.

- (11) The Company shall not raise sink or otherwise alter the position of the apparatus or alter the level of any street road or place in which the apparatus is situate so as to leave when the works are completed over the apparatus a covering of less than three feet (unless the Company shall in such case protect such apparatus from frost or injury by artificial covering to the reasonable satisfaction of the gas company) or more than five feet unless the Company in such case provide special means of access to the same to the reasonable satisfaction of the gas company :
- (12) The gas company may when reasonably necessary employ watchmen or inspectors to watch any works to be executed by the Company under this section or any other provision of this Act whereby the apparatus will or may be interfered with or affected and any expense reasonably incurred by the gas company in the employment of such watchmen or inspectors shall be repaid by the Company :
- (13) The reasonable expenses of all repairs or renewals of the apparatus or the substituted main or any works in connection therewith respectively which may at any time after the completion of the works of the Company be rendered necessary by or in consequence of the acts or defaults of the Company their contractors agents workmen or servants or any person in the employ of them or any of them or rendered necessary by reason of any subsidence resulting from the works of the Company whether during the construction of such works or at any time thereafter shall be borne by the Company and paid by them on demand to the gas company :
- (14) The Company shall in constructing the new road (No. 3) and new road (No. 4) and the bridges for carrying the same or any part thereof over the railway of the Company provide if reasonably required by and at the expense of the gas company either proper and sufficient accommodation under the roadways or footways of the said roads and bridges for two

additional mains of at least twelve inches in diameter or brackets or other attachments at the side or underside of the said bridges for carrying such mains over the same :

- (15) Notwithstanding the closing of the level crossings at the Millbrook and Southampton West Stations of the Company the gas company shall be entitled to retain maintain repair renew enlarge and use their apparatus in and under such level crossings to lay down and maintain additional apparatus therein and thereunder and to exercise in reference thereto all such powers as they could have exercised if the said level crossings had not been closed :
- (16) If any difference arises under this section between the Company and the gas company that difference shall be referred to arbitration the arbitrator being appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

36. The following provisions shall unless otherwise agreed have effect for the protection of the London County Council (in this section referred to as "the council") (that is to say) :—

For protec-
tion of
London
County
Council.

- (1) The provisions of the London Building Acts 1894 to 1923 and any Act amending the same and any byelaws and regulations in force thereunder shall apply to the execution of any of the works authorised by this Act on any lands in the administrative county of London (in this section called "the county") acquired or the purchase of which is confirmed under the powers of this Act but the Company shall be entitled to the benefit of any special exemptions in favour of railway companies in the said London Building Acts contained :
- (2) Except to the extent shown on the plans signed by Alfred Weeks Szlumper on behalf of the Company and by George William Humphreys on behalf of the council the Company shall not under the powers of this Act encroach on any part of the surface of any street or footway in the county without the consent of the council or without

A.D. 1924.

the like consent erect or maintain any building or structure beyond the general line of building in any street part of a street place or row of houses or erect any building or structure in such manner that any external wall thereof or the external fence or boundary of any forecourt or space in front thereof shall except where shown on the said plans be within the distances hereinafter prescribed from the centre of the roadway of any street or way (being a highway) upon which the same will abut that is to say where such street or way is used for the purposes of carriage traffic twenty feet and where such street or way is used for the purposes of foot traffic only ten feet :

- (3) The Company shall not where any house or building in the county has been wholly or in part demolished by them leave any adjoining structure or any portion of a partly demolished structure in an unsightly condition for a longer period than is reasonably necessary :
- (4) The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the lands in the county acquired under or the purchase of which is confirmed by this Act or upon any building or hoarding and whether during or after the construction of the works by this Act authorised within view of any public street or open space in the county any placards or advertisements except such as have been approved in writing by the council and if any such placard or advertisement is 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 advertisements or placards giving information to the public as to the business of the Company :
- (5) The Company shall not in making maintaining working or using the works in the county by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the tramways of the Council or any traffic on such tramways and if at any time hereafter the free uninterrupted and safe

A.D. 1924.

user of the said tramways or any traffic thereon is obstructed hindered or interfered with the Company shall pay to the council such damages as the council sustain by reason thereof The Company shall be responsible for and make good to the council all costs losses damages and expenses which may be occasioned to the council or to the said tramways or to any person using the same or otherwise by reason of the construction maintenance user or failure of the works in the county by this Act authorised or of any act or omission of the Company or of any person in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the council from all claims and demands upon or against them by reason of such construction maintenance user or failure or of any such act or omission :

- (6) The Company shall in constructing the widenings of viaducts or bridges and works connected therewith in the county by this Act authorised over the streets next hereinafter mentioned construct and thereafter maintain the said widenings and works as girder bridges which shall have a clear headway throughout above the existing surface of the street and a clear span throughout measured on the square of not less than the headways and spans hereinafter mentioned (that is to say) :—

Metropolitan Borough.	Situation of Viaduct or Bridge.	Headway.	Span at right angles to Street.
		Ft. Ins.	Ft. Ins.
Lambeth	Station approach northern side of railway (Widening No. 1)	15 0	40 0
Lewisham	Westdown Road east side of railway	18 7	40 0
	Westdown Road west side of railway	18 5	40 0

A.D. 1924.

- (7) The said viaducts or bridges and the viaducts over Elephant Road in the metropolitan borough of Southwark and over Atlantic Road in the metropolitan borough of Lambeth to be widened under the provisions of this Act and the works in connection with all such viaducts or bridges shall be of a reasonably ornamental character and design and shall so far as practicable be made and maintained so as to prevent the dripping of water therefrom on any part of any street. In constructing the viaducts or bridges specified in the last preceding subsection the Company shall face so much of the widened or extended abutments thereof as will be more than five feet above the level of the surface of the adjoining footway with white glazed bricks and shall at all times keep the surface of such bricks in good repair to the reasonable satisfaction of the local authority :
- (8) The Company shall not commence the construction of any viaducts or bridges in the county under the provisions of this Act or any works in connection therewith until they have given to the council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the offices of the council with plans elevations sections and all other necessary particulars thereof and until the council have signified their approval of the same unless the council fail to signify such approval or their disapproval or other directions within twenty-eight 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 construction of any such viaduct or bridge and works and shall save harmless the council against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the council at the costs charges and expenses in all respects of the Company and all costs charges and expenses to which the council

may be put by reason of the construction of the said works the preparation or examination of plans and designs superintendence or otherwise shall be paid to the council by the Company :

A.D. 1924.

- (9) If any difference shall arise between the council and the Company under the provisions of this section other than subsections (1) and (2) the same shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

37. For the protection of the mayor aldermen and councillors of the metropolitan borough of Southwark (in this section referred to as "the borough council") the following provisions shall unless otherwise agreed in writing between the Company and the borough council apply and have effect (that is to say) :—

For protec-
tion of
Southwark
Borough
Council.

- (1) The Company shall so construct the widenings (No. 1) and (No. 2) by this Act authorised as not to reduce the width of the footway or carriageway of any part of Elephant Road nor shall any structures or works forming part of or in connection with the said widenings be erected on the said footway or carriageway except to the extent shown upon the plan signed by Alfred Weeks Szlumper on behalf of the Company and by Arthur Harrison on behalf of the borough council :
- (2) The widenings (No. 1) and (No. 2) shall be so constructed as to leave a clear headway of not less than fifteen feet above the footway of Elephant Road and the underside of the said widenings except at the points where the cantilevers are constructed :
- (3) The Company shall not commence any work within the metropolitan borough of Southwark authorised by this Act until they shall have first delivered to the borough council plans sections and specifications thereof and the same

A.D. 1924.
—

shall have been examined and reasonably approved in writing by the borough council and the Company shall construct and execute any such work as aforesaid in accordance with such plans sections and specifications as so approved and at their sole expense and to the reasonable satisfaction of the borough council Provided that if the borough council shall fail to approve or disapprove of any such plans sections and specifications within twenty-one days after the same shall have been delivered to them then they shall be deemed to have approved the same :

- (4) The underside of the platform on the east side of the Elephant and Castle Station of the Company shall be rendered reasonably watertight and so maintained as to prevent the dripping of water on any part of the road or footway of Elephant Road and efficient gutters and down spouts connected with the surface water drains shall be constructed and maintained to the reasonable satisfaction of the borough council :
- (5) The Company shall during the execution and until the completion of any works in connection with the widening (No. 1) or widening (No. 2) make and carry into effect such arrangements for lighting and watching the same and any portion of any road interfered with or affected thereby as may be reasonably necessary to prevent danger or accident to persons and vehicles using the said roads :
- (6) If any difference shall arise between the Company and the borough council under this section the same shall be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 shall apply to any such arbitration.

For protection of
Lambeth
Borough
Council.

38. For the protection of the mayor aldermen and councillors of the metropolitan borough of Lambeth (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between

the Company and the council apply and have effect A.D. 1924.
(that is to say):—

- (1) The widening (No. 2) authorised by this Act in the metropolitan borough of Lambeth (in this section referred to as "the borough") shall only be executed made or carried out in so far as such works may overhang the public highway known as Atlantic Road (including the footways thereof) in such manner as may be reasonably approved in writing by the council. The Company shall not commence any of the said works until they shall have first delivered to the council detailed plans sections and specifications for the purposes of such approval:
- (2) In so far as the platform shall overhang the said highway known as Atlantic Road the underside thereof shall be rendered watertight so as to prevent the dripping of water on any part of the highway and shall be properly constructed with efficient gutters and down spouts connected with surface water drains:
- (3) The Company shall construct and execute all such works as aforesaid in accordance with the plans sections and specifications approved in accordance with the provisions of this section and to the reasonable satisfaction of the council:
- (4) The Company shall on demand pay to the council the amount of all costs charges and expenses (other than remuneration for work done in the ordinary course of their employment by salaried officers of the council) incurred by them in or about the inspection and approval of plans or works or otherwise in respect of any matter or thing which the council are by this Act required to do:
- (5) Any difference which may arise under the provisions of this section between the council and the Company shall be referred to and determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

A.D. 1924.

Contributions of
Godstone
Rural
District
Council in
respect of
Oxted
subway.

39.—(1) The Godstone Rural District Council (in this section referred to as “the council”) shall upon the completion and opening to the public of the subway in the parish of Oxted by this Act authorised contribute and pay to the Company for the purposes of this section any sum not exceeding the sum of one thousand five hundred pounds and such payment shall be deemed to be expenses of the council under and for the purposes of the Public Health Act 1875 and shall be defrayed as general expenses of the council.

(2) On the first day of April next following such completion and opening and on the first day of April in every subsequent year the council shall pay to the Company the sum of forty-five pounds as a contribution towards the cost of maintaining and lighting the said subway.

(3) The council may in addition to any moneys now borrowed by them or which they are authorised to borrow or which they may be authorised to borrow under the provisions of any public Act borrow at interest a sum equal to the cost of construction of the said subway less the sum of three hundred and fifty pounds (which shall be paid by the Company) but in no case exceeding the sum of one thousand five hundred pounds and the provisions of sections 236 to 239 of the Public Health Act 1875 shall be applicable to any mortgage granted by the council under this section.

(4) Any moneys borrowed by the council under this section and the interest payable thereon shall be respectively charged on the common fund out of which the general expenses of the council are payable and shall be repaid within thirty years from the date of borrowing the same in accordance with the provisions of the Public Health Act 1875 as if the same were borrowed under that Act.

(5) The clerk of the council shall if and when he is requested by the Minister of Health so to do transmit to the said Minister a return showing the provision made for the repayment of any loans raised by the council under the authority of this section.

(6) The return shall show such particulars and shall be made up to such date and in such form as the Minister of Health may require and shall if so required by him

be verified by statutory declaration of the said clerk or other the chief accounting officer of the council and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the said clerk or other officer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

A.D. 1924.

(7) If it appear to the Minister of Health by such a return as aforesaid or otherwise that the council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this section or by the said Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

40. For the protection of the Godstone Rural District Council the following provisions shall unless otherwise agreed between the Company and the said council apply and have effect (that is to say):—

For protec-
tion of
Godstone
Rural
District
Council.

From and after the completion and opening to the public of the subway in the parish of Oxted by this Act authorised the Company shall at all times keep open the same and the existing subway of which it forms an extension and the approaches thereto respectively so as to provide for foot passengers a public right of way not less than six feet in width between the public highways on both sides of the Company's railway and shall at all times maintain the said subways and approaches in good order and repair and the subways well and sufficiently lighted cleansed

A.D. 1924.

and drained The said public right of way is hereby vested in the said council.

Power to deviate in construction of works.

41. In constructing the works by this Act authorised the Company may deviate laterally from the lines of any of the said works shown on the deposited plans thereof to the extent of the limits of deviation marked thereon and may deviate from the levels of the dock works and the reclamation wall (No. 3) shown on the deposited sections to any extent not exceeding ten feet upwards or downwards and may deviate from the levels of the railways and widening of railway shown on the deposited sections in accordance with the provisions of the Railways Clauses Consolidation Act 1845 and may deviate from the levels of the other works shown on the deposited sections to any extent not exceeding five feet upwards or 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.

Repair of roads where level not permanently altered.

42. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railways or any of them by a bridge or bridges or the immediate approaches thereto except so far as the level of such road highway or approaches is permanently altered so as to increase the gradient.

Underpinning of houses near works.

43. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Company shall be served in manner prescribed by section 19

of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company:

- (3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference:
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section:
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against any further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of the requirements of and in the mode prescribed by the arbitrator the Company shall make compensation to the owners lessees and occupiers of such house or building for such

A.D. 1924.

injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Company from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this section shall subject to the provisions of this Act be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Power to divert and stop up footpath.

44. Subject to the provisions of this Act the Company may in the manner shown upon the deposited plans divert the footpath numbered 3 in the urban district of Dorking on the deposited plans relating to Railway No. 6 and may stop up and cause to be discontinued as a footpath so much of the existing footpath as will be rendered unnecessary by the new portion of footpath.

Power to Company to acquire lands.

45. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may for any purposes connected with or ancillary to their undertaking enter upon take use and appropriate all or any of the lands hereinafter described or referred to and delineated on the deposited plans and described in the deposited book of reference relating thereto and in connection therewith the Company may exercise the powers hereinafter mentioned (that is to say) :—

In the county of Middlesex—

Lands in the urban district of Brentford on the north side of and adjoining the Company's loop line and the North and South Western Junction Railway of the London Midland and Scottish Railway Company and extending between Clayponds Lane and Lionel Road ;

and the Company may stop up the footpaths situate on the said lands and crossing the said railways 320 yards

400 yards and 506 yards respectively east of Clayponds Lane. A.D. 1924.

In the county of Surrey—

Lands in the parish of East Horsley in the rural district of Guildford lying between the west side of the Company's railway and the road from Horsley to Cobham immediately to the south of Effingham Junction Station.

In the county of Kent—

Lands in the urban district of Crayford on the north-east side of and adjoining the Company's North Kent line and extending from Crayford Creek Junction to the bridge carrying the railway over Crayford Creek.

Lands in the parish of Birchington-on-Sea in the rural district of the Isle of Thanet on the south side of and adjoining the Company's railway and extending from the bridge carrying that railway over Minnis Road to Birchington Station.

Lands in the parish of Westgate-on-Sea in the rural district of the Isle of Thanet and in the borough of Margate on the north side of and adjoining the Company's railway and extending between a point opposite Saxon Road and a point 220 yards east thereof.

In the county of Southampton—

Lands in the county borough of Southampton and in the parishes of Dibden and Marchwood in the rural district of New Forest bounded by a line drawn from Millbrook Point in a north-easterly direction along high-water mark of ordinary tides to the southern boundary of the Company's railway thence along the southern boundary of the Company's property on the south side of the public footpath to the east end of Southampton West Station thence along the top of the embankment on the landward side of high-water mark of ordinary tides to a point opposite the entrance for vehicular traffic to the Train Ferry Jetty thence along the western boundary of the West Quay Esplanade

A.D. 1924.
—

to the Royal Pier thence along the western side of the Royal Pier to low-water mark of ordinary tides thence in a north-westerly direction to a point 17 yards east of the Train Ferry Jetty thence in a south-westerly direction to a point 124 yards north-west of the western extremity of the Royal Pier thence in a south-easterly direction to a point in the River Test 617 yards south of Parsons Garage Town Quay thence proceeding in a southerly direction for a distance of 397 yards and thence in a north-westerly direction to a point 400 yards south of Millbrook Point and thence to Millbrook Point.

In the county of the Isle of Wight—

Lands in the urban district of Cowes bounded by a line drawn due east for a distance of 233 yards from a point on the west side of the Company's Newport and Cowes Railway 50 yards north-west of the junction of the sidings on that railway with the Medina Wharf railway thence to a point 97 yards north of the northern end of Medina Wharf thence in a westerly direction to the west side of the said Newport and Cowes Railway and thence along the western boundary of that railway to such first-mentioned point.

Lands in the parish of Binstead in the rural district of the Isle of Wight on the east side of Fishbourne Farm buildings and extending from Wootton Creek to the road to Fishbourne Farm ;

and in connection therewith and for the purpose of improving the access thereto the Company may deepen dredge scour cleanse alter and improve the bed shores and channel of Wootton Creek and may use and appropriate the soil and material so dredged or removed Provided that any materials so dredged or removed if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade.

Period for
compulsory
purchase of
lands.

46. The powers granted by this Act for the compulsory purchase of lands shall cease on the first day of October one thousand nine hundred and twenty-seven.

47. For the protection of the county council of Middlesex (in this section referred to as "the council") the following provision shall unless otherwise agreed in writing between the council and the Company apply and have effect (that is to say):—

A.D. 1924.
—
For protec-
tion of
Middlesex
County
Council.

Notwithstanding anything contained in this Act or shown upon the deposited plans the Company shall not acquire any portion of the lands in the urban district of Brentford which are coloured red on the plan signed by Alfred Dryland on behalf of the council and Alfred Weeks Szlumper on behalf of the Company.

48. For the protection of the urban district council of Brentford in the county of Middlesex (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company apply and have effect (that is to say):—

For protec-
tion of
Brentford
Urban
District
Council.

(1) The Company shall not raise sink or alter the position of any sewer or drain belonging to the council situate in or upon the lands in the urban district of Brentford by this Act authorised to be acquired until they shall have given to the clerk to the council seven clear days' notice in writing of their intention to commence the intended works accompanied by plans sections and other necessary particulars showing the works proposed to be executed by the Company so far as the same will affect any such sewer or drain :

(2) Whenever in carrying out the said works it may be necessary to intercept remove or displace any such sewer or drain the Company before commencing so to do shall construct according to a plan to be reasonably approved by and under the superintendence of the surveyor of the council another sewer or drain in lieu of and of equal capacity and efficiency to the sewer or drain so proposed to be intercepted removed or displaced and such substituted sewer or drain shall be connected by the council at the reasonable expense of the Company with the existing sewer or drain :

A.D. 1924.

- (3) The Company in constructing maintaining and using any works on the said lands shall to the reasonable satisfaction of the council make good all damage caused by or consequent upon any interference by the Company with any such sewer or drain :
- (4) If the Company shall construct any works on the said lands over any such sewer or drain provision shall be made to the reasonable satisfaction of the council for protecting the same from injury and for affording convenient access thereto for the purpose of examination alteration renewal or repair :
- (5) If by reason of the exercise of the powers of this Act on or in respect of the said lands the council shall necessarily incur any cost in altering or removing any existing sewer or drain the Company shall repay to the council any such cost reasonably incurred :
- (6) Any difference which may arise between the council and the Company under this section shall be settled by an engineer to be appointed upon the application of either of the parties by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply thereto.

For protec-
tion of
Metro-
politan
Water
Board.

49. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Company have effect (that is to say) :—

- (1) In the event of the Company proposing to place erect or construct any rails buildings or works upon any part of the lands in the urban district of Brentford referred to in the section of this Act of which the marginal note is "Power to Company to acquire lands" (including the site of the footpath mentioned in the said section) they shall at their own expense and under the superintendence and to the reasonable satisfaction of the board and in accordance with plans sections and particulars to be previously submitted to and approved by the board

construct and thereafter maintain under the said lands and around the existing eighteen-inch main of the board laid therein a subway and means of access thereto of sufficient dimensions to accommodate the said main and to enable proper access to be obtained to every part thereof for the purpose of inspecting repairing renewing and using the said main and of sufficient strength to protect the same from injury :

- (2) The Company shall forthwith on demand repay to the board the amount of the costs charges and expenses incurred by the board in removing and relaying (if necessary) the said main in the said subway and also in providing any substituted mains or apparatus which the board may deem it necessary to provide temporarily during the execution of the aforesaid works for the purpose of continuing the supply of water :
- (3) The Company shall at all times afford to the board all reasonable facilities for the purpose of inspecting maintaining repairing or renewing the main pipes and apparatus in the said subway and the board shall at all times have free and uninterrupted access to the said subway for any such purposes aforesaid :
- (4) If notwithstanding the construction of the said subway any injury shall be caused to the main pipe or apparatus of the board laid or placed therein by reason or in consequence of the user of the lands referred to in subsection (1) of this section the Company shall make full compensation to the board for such injury and shall indemnify them against all costs charges expenses claims and demands resulting therefrom :
- (5) The Company shall construct the subway in the metropolitan borough of Greenwich at such a depth that the whole of the structure shall be below the level of the board's mains :
- (6) In the event of any part of the subway referred to in subsection (5) being constructed in such

A.D. 1924.
—

a manner as to interfere with the mains of the board the Company shall execute such works as the board may reasonably require for supporting such mains and if the board in their discretion deem it necessary so to do they may substitute steel tubes lined with and encased in concrete for any mains so interfered with and the Company shall on demand repay to the board the cost reasonably incurred in so doing. If the board deem it necessary to substitute steel tubes as aforesaid the Company shall also repay to the board on demand the reasonable cost of erecting any temporary substituted works necessary for preventing any interruption in the supply of water during such substitution :

- (7) The Company shall construct the bridges or viaducts for carrying the widenings (No. 1) and (No. 2) in the metropolitan borough of Southwark widenings (No. 1) and (No. 2) in the metropolitan borough of Lambeth and the widening in the metropolitan borough of Lewisham over any streets so that the foundations for the abutments and piers thereof shall be carried to a depth below the surface of the said streets of not less than seven feet :
- (8) Not less than twenty-eight days before commencing any of the works shown on the deposited plans in any street or road in or under which any mains pipes or apparatus of the board (hereinafter in this section referred to as "the board's apparatus") is situate the Company shall deliver to the board plans sections and descriptions of such works describing the proposed manner of executing the same and showing the whole of the works proposed to be executed in connection therewith :
- (9) The board may at any time within twenty-eight days of the receipt of such plans sections and descriptions by notice in writing intimate to the Company their reasonable requirements so far as such works may affect the board's apparatus and the board may require the Company to carry out their works in such a

manner and of such materials as may be reasonably specified by the board and to support the board's apparatus temporarily or otherwise by cement concrete or other like substance. Provided that if the board shall not within the said period of twenty-eight days give any such notice in writing to the Company as aforesaid they shall be deemed to have no requirements to intimate to the Company :

- (10) The Company shall not construct such works as aforesaid except in strict accordance with the said plans sections and descriptions delivered to the board and shall carry out all works in connection with the board's apparatus as may be approved by the board or settled by arbitration :
- (11) Not less than twenty-eight days before commencing the construction of any such works as aforesaid the Company shall give to the board notice in writing of their intention to commence such construction and shall state in such notice the place and time at which they propose so to commence and if within seven days after the receipt of such notice the board shall give notice to the Company of their intention themselves to lay down any substituted apparatus or to execute any other works to or in connection with any apparatus as provided by this section it shall be lawful for the board instead of the Company to lay down such apparatus or execute such works and the cost reasonably incurred by them in so doing shall on demand be repaid to the board by the Company :
- (12) The Company shall not raise sink or otherwise alter the position of the board's apparatus or alter the level of any street road or footpath in which any such apparatus is situate so as to leave over such apparatus when the works are completed a covering of less than three feet or more than five feet unless the Company in the latter case provide special means of access to the same to the reasonable satisfaction of the board :

A.D. 1924.
—

- (13) The board may if they deem fit employ such watchmen or inspectors as they may reasonably think necessary to watch any works to be executed by the Company under the powers of this Act whereby the board's apparatus will or may be interfered with or affected and the reasonable expenses thereof shall be borne by the Company :
- (14) The expenses of all repairs or renewals of the board's apparatus or any works in connection therewith which may at any time be rendered necessary by or in consequence of 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 the subsidence resulting from the works of the Company whether during the construction of such works or at any time thereafter shall be borne by the Company :
- (15) The provisions of this section with respect to the alteration or removal of or interference with the board's apparatus shall have effect notwithstanding any other provision of this Act which may be inconsistent therewith :
- (16) The provisions of sections 21 and 23 of the Railways Clauses Consolidation Act 1845 shall apply with respect to any disturbance of or interference with the board's apparatus and to any interruption in the supply of water resulting from the execution by the Company of any such works as are referred to in this section :
- (17) The Company shall not except by arrangement with the board execute or do any work which may involve any interference with the continuous supply of water by the board during the months of May June July August and September in any year :
- (18) If any difference shall arise between the board and the Company under this section (other than a difference as to the construction or meaning of the said section) the same shall be referred to and settled by an arbitrator to be appointed

on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such settlement by arbitration. A.D. 1924.

50. For the protection of John Edward Arthur Willis Fleming his heirs and successors in estate or any person in trust for him or them (all of whom are included in the expression "the owner" where used in this section) the following provisions shall apply and have effect (that is to say):—

For protection of John Edward Arthur Willis Fleming.

(1) In exercising the powers conferred upon the Company under the section of this Act of which the marginal note is "Power to Company to acquire lands" to deepen dredge scour cleanse alter and improve the bed shores and channel of Wootton Creek in the parish of Binstead no soil or material dredged or removed shall be deposited so as to interfere with the access of the owner to his estate or property or any part thereof in the parish of Binstead and the Company shall make full compensation to the owner for any loss or damage sustained by him by reason of the exercise of any such powers by the Company:

(2) Nothing in this Act contained shall be construed so as to prevent the owner from constructing or using landing places erections or works belonging to the owner and situate in Wootton Creek or in or on the foreshore lying on the eastern side of the creek.

51. Where this Act authorises the stopping up of a road or footpath or portion thereof without providing a substitute such stopping up shall not take place except where the same is situate upon property of the Company without the consent of the owners lessees and occupiers of the houses and lands on both sides thereof and from and after such stopping up all rights of way over or along the road or footpath or portion authorised to be stopped up shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the

Stopping up roads and footpaths without providing substitute.

A.D. 1924. railway appropriate and use for the purposes of their undertaking the site of the road or footpath or portion thereof so stopped up :

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Stopping up roads and footpaths in case of diversion.

52. Where this Act authorises the diversion of a road or footpath or the making of a new road or footpath and the stopping up of an existing road or footpath or portion thereof such stopping up shall not take place until such new road or footpath is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Company and the road authority until two justices shall have certified that the new road or footpath has been completed to their satisfaction and is open for public use.

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which the existing road or footpath is situate seven days' notice in writing of their intention to apply for the same.

As from the completion to the satisfaction of the road authority of the new road or footpath or as from the date of the said certificate as the case may be all rights of way over or along the existing roads or footpaths or portions authorised to be stopped up shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway appropriate and use for the purposes of their undertaking the site of the road or footpath or portion thereof stopped up as far as the same is bounded on both sides by lands of the Company :

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

53. Any road or footpath or portion of road or footpath made diverted or altered under the authority of this Act (except the stone iron or other structure carrying any such road or footpath over the railway which structure shall unless otherwise agreed be maintained by and at the expense of the Company) shall when made and completed unless otherwise agreed be maintained by and at the expense of the body or persons liable to maintain roads or footpaths of the same nature and in the same parish and district or borough as the road or footpath or portion of road or footpath in question.

A.D. 1924.

—
Further provision as to repair of roads and footpaths.

54. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

As to private rights of way over lands acquired.

55. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto. Therefore the following provisions shall have effect :—

Owners may be required to sell parts only of certain properties.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties:"
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company

A.D. 1924.
—

that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the tribunal to whom the question is referred shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any

matters under this section shall be borne and paid by the owner: A.D. 1924.

- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises:

56. Notwithstanding anything contained in this Act the Company may purchase and acquire an easement or right of making and maintaining in accordance with the provisions of this Act the works by this Act authorised in upon or over the Royal Pier and the Town Quay at Southampton without the Company being obliged or compellable to purchase any greater interest in respect thereof and the provisions of the Lands Clauses Acts shall

Power to
acquire
easements
compul-
sarily.

A.D. 1924.

extend and apply to the acquisition of such easements or rights as if the same were lands within the meaning of those Acts.

Power to
certain
owners to
grant
easements
&c.

57. 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 the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
enter upon
property for
survey and
valuation.

58. The Company and their surveyors officers contractors and workmen may at all reasonable hours in the daytime upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used by them for the purpose of surveying and valuing the said lands and premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and premises.

Costs of
arbitration
in certain
cases.

59. The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or

mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

A.D. 1924.

60. In settling any question of disputed purchase money or compensation for lands acquired by the Company under the powers of this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and twenty-three if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Company of such lands.

Compensation in case of recently altered buildings.

61. The Company may hold use and appropriate for the purposes of their undertaking the following lands and premises which have already been acquired by them and the expenditure of money by the Company or by any company whose undertaking now forms part of the undertaking of the Company in or about the purchase or acquisition thereof or the works executed thereon is hereby sanctioned and confirmed (that is to say):—

Confirmation of purchase of lands.

In the county of London—

Lands in the metropolitan borough of Camberwell (1) on the west side of Hollydale Road immediately to the south of Queens Road Peckham and (2) known as Nos. 36 to 48 (even numbers) Blenheim Grove Peckham.

A.D. 1924.
—

Lands in the metropolitan borough of Bermondsey known as Nos. 221 and 225 Rotherhithe New Road.

Lands in the metropolitan borough of Woolwich (1) known as No. 37 Sand Street and (2) adjoining the south side of the Company's Abbey Wood Station.

In the county of Surrey—

Lands in the county borough of Croydon (1) known as 13 Courtney Road (2) known as "Clydesdale" Altyre Road (3) adjoining the Company's railway and No. 28 Gloucester Road and (4) in Lansdowne Road adjoining the Company's goods depôt.

Lands in the urban district of Merton and Morden known as Nos. 1 and 2 Railway Cottages and Nos. 1 and 2 Nursery Cottages Morden Road.

Lands in the urban district of Mitcham adjoining the Company's railway on the east side thereof and north of the Mitcham Linoleum Floor Cloth Works.

Lands in the urban district of Carshalton adjoining the Company's railway on the south side thereof between points 570 yards and 840 yards west of Wallington Station.

Lands in the borough of Reigate known as No. 46 Common Road Redhill.

Lands in the parish of Cranleigh in the rural district of Hambledon adjoining the Company's Horsham and Guildford Railway and known as "Little Vachery."

Lands in the urban district of Coulsdon and Purley between Windermere Road and the Company's Smitham Station.

In the county of Kent—

Lands in the urban district of Beckenham known as No. 77 Copers Cope Road.

Lands in the urban district of Bexley (1) lying to the north-west of the Company's goods yard at Bexley Station and (2) on both sides of the Company's Bexley Heath line between

Bexley Heath and Barnehurst Stations west of Long Lane Bridge. A.D. 1924.

Lands in the parish of Farnborough in the rural district of Bromley lying between the Company's railway and Crown Road near Chelsfield Station.

Lands in the parish of St. Mary Cray in the rural district of Bromley on the south side of the Company's railway west of and adjoining Bournewood Crossing.

Lands in the parish of Eynsford in the rural district of Dartford (1) adjoining the north-east side of the Company's railway near Wested Road and (2) adjoining the east side of the Company's railway at Eynsford Station.

Lands in the parishes of Darenth and Horton Kirby in the rural district of Dartford adjoining the south side of the Company's railway at Fawkham.

Lands in the urban district of Northfleet known as Berwick House Northfleet.

Lands in the parish of Higham in the rural district of Strood adjoining the south side of the Company's Hundred of Hoo branch near the Thames and Medway Canal.

Lands in the borough of Maidstone on the south-west side of the Company's Strood to Maidstone branch adjoining on both sides the Tramway Road under the railway bridge at Allington Quarry.

Lands in the urban district of Tonbridge (1) known as No. 111 (formerly No. 86) Barden Road and lands adjoining the same in Caistor Road (2) known as Nos. 1 to 7 13 17 to 35 and 39 to 45 (odd numbers) Albert Road (3) known as Nos. 35 37 42 and 44 Gladstone Road (4) known as Nos. 26 and 28 Northcote Road (5) adjoining the north side of the Company's railway from Redhill to Tonbridge formerly part of Brook Street Farm and (6) between the Company's railway and Hectorage Road at the eastern end thereof.

A.D. 1924.
—

Lands in the borough of Queenborough on the south side of the Company's Queenborough Pier Branch Railway between the River Swale and Whiteway Crossing.

Lands in the urban district of Sheerness (1) known as the Old Mortuary Sheerness and (2) on both sides of the Company's railway adjoining the southern end of the Sheerness Dockyard Station.

Lands in the parish of Teynham in the rural district of Faversham on the north side of the Company's railway adjoining the level crossing at Teynham Station.

Lands in the parish of Herne in the rural district of Blean (1) on both sides of the Company's Kent Coast Railway near Parsonage Farm Herne Bay (2) between the Company's said railway and Mayfield Road east of Canterbury Road Herne Bay and (3) adjoining the south side of the Company's said railway west of the houses in Canterbury Road Herne Bay.

Lands in the parish of St. Nicholas at Wade in the rural district of the Isle of Thanet on both sides of the Company's Kent Coast Railway formerly part of Bartletts Farm Birchington.

Lands in the borough of Margate on the south side of the Company's Kent Coast Railway near the east side of Hartsdown Road.

Lands in the borough of Deal in West Street on the east side of the goods yard at Deal Station.

Lands in the urban district of Ashford and in the parish of Willesborough in the rural district of East Ashford at the junction of and between the Company's Ashford and Dover Railway and their Ashford and Ramsgate branch.

Lands in the parishes of Willesborough and Sevington in the rural district of East Ashford known as the Willesborough Flour Mill.

Lands in the parish of Sevington in the rural district of East Ashford adjoining the north

side of the Company's railway between Ashford and Smeeth at Sevington siding. A.D. 1924.

Lands in the parish of Shepherdswell otherwise Sibertswold in the rural district of Dover known as Nos. 1 and 2 Mayfield Villas Shepherdswell.

In the county of East Sussex—

Lands in the parish of Denton in the rural district of Newhaven known as Nos. 1 and 2 Rose Cottages Acacia Road.

Lands in the borough of Bexhill lying between the Company's railway and Surrey Lodge Dorset Road.

Lands in the parish of Horsted Keynes in the rural district of Cuckfield adjoining the Company's railway between points 725 yards and 925 yards north of Horsted Keynes Junction.

Lands in the parish of Ditchling in the rural district of Cuckfield on both sides of and adjoining the Company's railway and on both sides of the road leading under the said railway to Burdock's Farm.

Lands in the county borough of Eastbourne lying between the south side of Seaside and the Ballast Tramway.

Lands in the parish of Folkington and Westham in the rural district of Eastbourne adjoining the Company's railway east of Polegate Station.

In the county of West Sussex—

Lands in the city of Chichester adjoining the Company's railway on the south side thereof 100 yards east of Basin Road.

Lands in the parish of West Lavington in the rural district of Midhurst adjoining the Company's railway on the east side thereof south-east of Midhurst Station.

Lands in the parish of Beeding in the rural district of Steyning West adjoining the Company's railway on the north side thereof between

A.D. 1924.

points 1210 yards and 1360 yards north-east of Steyning Station.

In the county of Southampton—

Lands in the county borough of Southampton known as Nos. 36 38 40 and 42 Southbrook Road.

Lands in the parish of Selborne in the rural district of Alton (1) on the east side of and adjoining Bordon Station and (2) on the east side of and adjoining the War Department siding immediately north of that station.

Lands in the parish and rural district of Ringwood on the south side of and adjoining the Company's railway west of the road from West Moors to Ringwood.

In the county of Wilts—

Lands in the parish of Dinton in the rural district of Wilton on the south side of and adjoining the Company's railway immediately west of Dinton Station.

In the county of Devon—

Lands in the parish of Broad Clyst in the rural district of Saint Thomas known as Nos. 1 2 3 and 4 Station Cottages.

As to
private
street
expenses
in certain
cases.

62.—(1) The Company shall be deemed not to be an owner or occupier for the purposes of section 150 of the Public Health Act 1875 in respect of any land acquired or used by the Company under or in pursuance of the powers or for the purposes of this Act (a) upon which any street as defined by the Public Health Acts and not being a highway repairable by the inhabitants at large shall wholly or partially front adjoin or abut and (b) which shall at the time of the laying out of such street be used by the Company solely as a part of their lines of railway or sidings stations or works and shall have no direct communication with such street.

(2) The expenses incurred by any urban or rural authority under the powers of the said section which but for this provision the Company would be liable to pay shall be repaid to the urban or rural authority as the case may be by the owners of the premises fronting adjoining or abutting on the said street other than the Company

and in such proportions as shall be settled by the surveyor of the urban or rural authority as the case may be.

A.D. 1924.

(3) In the event of the Company subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the urban or rural authority as the case may be the expenses which but for the foregoing provision the Company would in the first instance have been liable to pay.

(4) The urban or rural authority as the case may be shall divide among the owners for the time being other than the Company the amount so paid by the Company to the urban or rural authority as the case may be less the costs and expenses attendant upon such division in such proportion as shall be settled by the said surveyor whose decision shall be final and conclusive.

(5) This section shall not apply to any street existing at the passing of this Act.

63.—(1) Notwithstanding anything to the contrary contained in the Lands Clauses Acts or any Act relating to the Company the Company shall not be required to sell or dispose of any lands or premises which from time to time have been purchased or acquired by the Company or any company whose undertaking now forms part of the undertaking of the Company or any lands or premises acquired by the Company under the powers of this Act and which lands or premises are not immediately or may not hereafter be required for the purposes of the undertaking of the Company but the Company may retain hold and use or may sell mortgage demise lease or otherwise dispose of such lands and premises.

Power to
lease &c.
lands.

(2) For the purposes of this section the expression "the Company" as regards any lands or premises which from time to time have been purchased or acquired by the Company or any company whose undertaking now forms part of the undertaking of the Company jointly with any other company means and includes the Company and such other company or the company whose undertaking now includes the undertaking of such other company and the expression "lands or premises" shall be deemed not to include any mines of coal ironstone slate or other minerals.

A.D. 1924.

For protec-
tion of
Croydon
Corporation.

64. The provisions of the section of this Act of which the marginal note is "Power to lease &c. lands" shall be subject in all respects to the provisions of section 16 (For protection of Croydon Corporation) of the London Brighton and South Coast Railway Act 1914 as amended by section 49 (For protection of Croydon Corporation) of the Southern Railway Act 1923 and the said section of this Act shall not apply to or in respect of any of the lands referred to in subsection (9) of the said section 16 until the expiration of a period of ten years from the passing of the said Act of 1923.

Abandon-
ment of
constructed
railways at
Ramsgate
and Mar-
gate.

65.—(1) Subject to the provisions of this Act the Company may abandon and discontinue the maintenance and use of—

(a) So much of the railway of the Company authorised by the Kent Coast Railway Act 1861 as extends from the south end of Ramsgate Harbour Station to a point 205 yards north of the north end of the Kent Coast line tunnel north of that station;

(b) So much of the railway of the Company authorised by the Act 7 Vict. cap. XXV as extends from the north end of Margate Sands Station to the east end of Ramsgate Town Station and from that station to St. Lawrence Junction and also the curve running in a northerly direction from the said junction;

and may remove the rails and other works forming the portions of the said railways to be abandoned and notwithstanding anything contained in the Lands Clauses Acts the Company may hold sell lease or otherwise dispose of or retain hold or apply to the purposes of their undertaking the site and soil of any part of the said railways so abandoned as aforesaid.

(2) Before any portion of the said railways is abandoned and discontinued all Post Office telegraphic lines existing on under along or across such portion as aforesaid shall if required by the Postmaster-General or the Company be removed therefrom and another telegraphic line in such position as shall be reasonably approved by the Postmaster-General shall be substituted for each telegraphic line so removed and each such substituted line so far as the same is placed on the

Company's property shall be subject to the same statutory and other provisions as apply to the telegraphic lines of the Postmaster-General on that property. The Company shall bear the expense of such removal and substitution as aforesaid and shall give reasonable notice to the Postmaster-General before abandoning or discontinuing any portion of the said railways.

A.D. 1924.

66. Notwithstanding anything contained in this Act the Company shall continue liable to maintain any bridges roads conduits drains fences and accommodation works in connection with the portions of the said railways to be abandoned which they are now liable to maintain unless and until otherwise agreed with the local or road authority concerned or the body or person for the accommodation of whose lands any such works have been constructed.

For protection of local and road authorities and adjoining owners.

67.—(1) The Company and the local and road authorities of any area in which any part of the portions of the said railways to be abandoned are situate and any body or person being the owner lessee or occupier or otherwise interested in any land adjoining or near thereto may enter into and carry into effect agreements with reference to the removal construction alteration maintenance and repair by the contracting parties or any of them of embankments cuttings bridges level crossings roads conduits drains fences and accommodation works in over under or adjoining the said portions of railways and as to contributions by such authorities bodies and persons towards the cost thereof and any such agreement may provide for the transfer to and vesting in the Corporation or any such authority body or person of any of such works or the liability for the maintenance thereof.

Agreements with authorities and owners as to works.

(2) The making of any such contribution by a local or road authority shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such authority they may incur expenditure and any such authority may raise in like manner as money may be raised under the provisions of any such general Act the moneys necessary for the purpose of any such contribution as aforesaid.

(3) If any work executed by a local or road authority in pursuance of any agreement made under the provisions of this section involves an alteration of a telegraphic

[Ch. lxvi.] *Southern Railway* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924. line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration as if such local or road authority were "undertakers" within the meaning of the said Act.

Abandonment of certain unconstructed works.

68.—(1) The Company may abandon the construction of—

- (a) The widening of the bridge and railway over Gibbon Road Nunhead authorised by the London Chatham and Dover Railway Act 1892;
- (b) The widening of the bridges carrying Limekiln Street and Folkestone Road over the railway of the Company in the parish and borough of Dover authorised by the London Chatham and Dover Railway Act 1898; and
- (c) Railways Nos. 1 2 3 4 and 7 authorised by the Wimbledon and Sutton Railway Act 1910 and so much of Railway No. 5 authorised by that Act as lies between its point of commencement and the point of termination of Railway (No. 3) by this Act authorised.

(2) The abandonment by the Company under the authority of this Act of the said railways and works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company or the London Chatham and Dover Railway Company or the Wimbledon Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company or the London Chatham and Dover Railway Company or the Wimbledon Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or in the Acts hereinbefore in this section referred to.

(3) Where before the passing of this Act any contract has been entered into or notice given by the Company or the London Chatham and Dover Railway

Company or the Wimbledon Company for the purchase of any land for the purposes of or in relation to the said railways or works or portion of railway by this Act authorised to be abandoned the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

A.D. 1924.

(4) Subject to the provisions of this section the High Court may and shall at any time after the passing of this Act on application by or on behalf of the depositors mentioned or referred to in the said Acts of 1892 and 1898 or the survivors or survivor of them or the executors or administrators of such survivor or by or on behalf of any other person entitled to the deposit funds referred to in those Acts respectively order that the said deposit funds and the interest or dividends thereon respectively be paid or transferred to the depositors or any other person or persons entitled thereto or to any persons or person whom they or he may appoint in that behalf and upon such order being made the said deposit funds and the interest or dividends thereon respectively shall be paid or transferred to such persons or person accordingly.

69. On and from the date of vesting the undertaking of the Wimbledon Company is hereby transferred to and vested in and shall for all purposes (including the demanding and recovery of tolls fares rates and charges) form part of the undertaking of the Company and on and from the said date the Wimbledon Company is hereby dissolved except for the purpose of winding up its affairs.

Under-
taking of
Wimbledon
Company
vested in
Company.

70. The several persons who immediately before the date of vesting are the registered holders of shares in the capital of the Wimbledon Company shall in lieu of and in exchange for each share held by them respectively become and be entitled to the sum of ten pounds which

Considera-
tion for
transfer of
Wimbledon
Company.

A.D. 1924.

sum shall be paid to them respectively by the Company in exchange for and on the surrender to the Company of the certificate for such share and shall be accepted and held by them respectively in satisfaction of all claims in respect thereof.

Cancellation of shares of Wimbledon Company.

71. On and from the date of vesting all shares at any time issued by the Wimbledon Company shall be cancelled and all charges constituted by any such shares shall cease and determine.

Lost certificates of shares of Wimbledon Company.

72. If any certificate of any share of the Wimbledon Company in substitution for which any cash is allocated under this Act be lost or destroyed then upon proof thereof and upon an indemnity being given to the reasonable satisfaction of the directors of the Company against any claim in respect of such lost or destroyed certificate the Company shall deliver to the person entitled to such cash a warrant for the amount to which he is entitled under this Act in substitution for the share of which the certificate has been lost or destroyed.

Trusts affecting shares of Wimbledon Company.

73. Any cash paid under this Act to the holders of shares of the Wimbledon Company shall be held upon and subject to the same trusts liens charges powers and other legal or equitable rights privileges and restrictions as affected the shares for which by virtue of this Act the cash is paid and any reference in any Act of Parliament deed will codicil book document instrument or writing to any such shares shall be deemed to be a reference to the cash allocated in substitution therefor by virtue of this Act.

Repeal of certain provisions of Acts relating to Wimbledon Company.

74.—(1) On and from the date of vesting all the provisions of the Acts relating to the Wimbledon Company with reference to the incorporation and constitution of that company and the raising of money by that company are hereby repealed.

(2) Subsection (1) of section 11 (For protection of Metropolitan District Railway Company) and section 80 (For protection of Wimbledon Corporation) of the Wimbledon and Sutton Railway Act 1910 and section 45 (Portion of capital to be subscribed before compulsory powers put in force) of the Wimbledon and Sutton Railway Act 1923 are hereby repealed.

75. If the Company fail within the periods limited by the Wimbledon and Sutton Railway Act 1923 to complete so much of the railways authorised by the Wimbledon and Sutton Railway Act 1910 as are not by this Act authorised to be abandoned and the alteration of levels authorised by the said Act of 1923 respectively and open the railways for public traffic they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the periods so limited until the said railways and works are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway and works in respect of which such penalty has been incurred.

A.D. 1924.
—
Imposing
penalty if
Wimbledon
and Sutton
Railways
not opened
within
prescribed
periods.

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 3 of the Railway and Canal Traffic Act 1854.

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 and to the credit 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 Minister of Transport that the Company were prevented from completing or opening the said railways and works 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.

76. 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 and works in respect of

Application
of penalty
in respect of
Wimbledon
and Sutton
Railways.

A.D. 1924. — which the penalty has been incurred or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of such railway and works 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.

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 and works in respect of which the penalty has been incurred 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 re-transferred to the Company.

Release of
Wimbledon
and Sutton
deposit.

77. In consideration of the liability of the Company to the penalty provided by the section of this Act of which the marginal note is "Imposing penalty if Wimbledon and Sutton Railways not opened within prescribed periods" sections 43 and 44 of the Wimbledon and Sutton Railway Act 1910 and section 40 of the Wimbledon and Sutton Railway Act 1923 are hereby repealed and notwithstanding anything contained in the said Acts or the Parliamentary Deposits Act 1846 the High Court may and shall at any time after the passing of this Act on application by or on behalf of the depositors mentioned or referred to in sections 43 and 44 of the said Act of 1910 or the survivors or survivor of them or the executors or administrators of such survivor or by or on behalf of any other person entitled to the original deposit fund and the additional deposit fund respectively referred to in section 40 of the said Act of 1923 order that the said deposit funds and the interest or dividends thereon respectively be paid or transferred to the depositors or any other person or persons entitled thereto or to any persons or person

whom they or he may appoint in that behalf and upon such order being made the said deposit funds and the interest or dividends thereon respectively shall be paid or transferred to such persons or person accordingly. A.D. 1924.
—

78. Nothing in this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Wimbledon Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Wimbledon Company is transferred to and vested in the Company as freely and fully in all respects as he was entitled to do before the passing of this Act. Saving for
Postmaster-
General.

79. On and from the appointed day the undertaking of the pier company is hereby transferred to and vested in and shall for all purposes form and may be carried on as part of the undertaking of the Company and on and from the said date the pier company is hereby dissolved except for the purpose of winding up its affairs. Under-
taking of
pier com-
pany vested
in Com-
pany.

80.—(1) The several persons who immediately before the appointed day were the registered holders of stock in the consolidated original stock of the pier company shall in lieu of and in exchange for the stock held by them respectively and by virtue of this Act become and be registered holders of stock of the Company in the proportion of sixty pounds of preferred ordinary stock and fifty-seven pounds ten shillings of deferred ordinary stock for every one hundred pounds consolidated original stock of the pier company. Considera-
tion for
transfer of
pier com-
pany.

(2) Every person who by virtue of this Act becomes the holder of stock of the Company shall (subject to the provisions of this Act) accept and be deemed to have accepted such stock in substitution for the stock of the pier company held by him and in satisfaction of all claims in respect thereof.

A.D. 1924.
—

(3) On and from the appointed day the amount of sixteen thousand pounds mortgage debenture bonds of the pier company shall become part of the debenture debt of the Company and the Company in substitution for the pier company shall be liable to the holders of such bonds for all principal moneys and interest thereby secured according to the tenor thereof and the pier company shall be discharged from all such liability.

(4) Within three months after the passing of this Act the Company shall produce to the Commissioners of Inland Revenue a King's Printer's copy of this Act duly stamped with the ad valorem duty which would be payable upon mortgage debenture bonds of the Company executed on the date of the passing of this Act being similar in form to the said sixteen thousand pounds mortgage debenture bonds of the pier company and securing to the holders payment of the principal moneys and interest secured by such last-mentioned bonds according to the tenor thereof and in default of such production the amount of the said duty with interest thereon at the rate of five per centum per annum from the passing of this Act until payment shall be a debt to His Majesty from the Company.

Cancellation
of stock of
pier company:

81. On and from the appointed day all stock at any time issued by the pier company shall be cancelled.

New certi-
ficates to
stock-
holders.

82. Any holder of stock of the pier company who shall deliver to the secretary of the Company the certificate of such stock to be cancelled shall be entitled without payment to receive from the Company in substitution for the certificate so delivered a certificate for the stock which is allocated to such holder by this Act in substitution for the stock of which the certificate is so delivered.

Lost certi-
ficates of
stock of
pier com-
pany.

83. If any certificate of any stock of the pier company in substitution for which any stock of the Company is allocated under this Act be lost or destroyed then upon proof thereof and upon an indemnity being given to the reasonable satisfaction of the directors of the Company against any claim in respect of such lost or destroyed certificate the Company shall deliver to the person entitled to such certificate a certificate of the stock of the Company which is allocated to him by this Act in substitution for the stock of which the certificate has been lost or destroyed.

84. No person shall become entitled under this Act to any fractional part of a pound of stock of the Company but in every case in which any person would but for this provision have become entitled to a fractional part of a pound of such stock the Company may at their option receive and recover from such person such a sum as will at the market value of such stock immediately after the appointed day make up an even pound of stock or pay to such person in cash the aforesaid market value of such fractional part.

A.D. 1924.

Fractions.

85. Stock of the Company substituted by virtue of this Act for any stock of the pier company shall be held upon and subject to the same trusts liens charges powers and other legal or equitable rights privileges and restrictions as affected the stock for which by virtue of this Act the stock of the Company is substituted and any reference in any Act of Parliament deed will codicil book document instrument or writing to any stock of the pier company shall be deemed to be a reference to the stock of the Company substituted therefor by virtue of this Act.

Trusts affecting stock of pier company.

86.—(1) On and from the appointed day all the provisions of the Acts relating to the pier company with reference to the incorporation and constitution of and the raising of money by that company are hereby repealed.

Repeal of provisions of Acts relating to pier company.

(2) Section 11 (Payment to be made to Ryde Pier Company) of the South Western and Brighton Railway Companies (Isle of Wight and Ryde Pier Railway) Act 1877 is hereby repealed.

87. Notwithstanding anything contained in section 85 (Protecting property of Lord Westminster and others) of the London Chatham and Dover Railway Act 1863 or section 20 (Amendment of section 85 of London Chatham and Dover Railway Act 1863) of the South Eastern and London Chatham and Dover Railways Act 1905 the Company may make and maintain an access for vehicles to and from Victoria Railway Station from and to Eccleston Bridge Provided that the said access shall unless otherwise agreed in writing between the Company and the Duke of Westminster for the time being be constructed in accordance with the plan signed in duplicate by Sir Joseph Hood Baronet the Chairman of the

As to entrance to Victoria Station from Eccleston Bridge.

A.D. 1924. Committee of the House of Commons to whom the Bill for this Act was referred (one copy of which plan has been deposited in the Parliament Office of the House of Lords and the other copy in the Private Bill Office of the House of Commons) Provided also that except in case of emergency or unless otherwise agreed in writing as aforesaid such access shall only be used as an entry for vehicles to the said station.

Agreements with Great Western Railway Company as to Channel Islands traffic.

88. The Company and the Great Western Railway Company may enter into and carry into effect agreements with reference to the joint working handling conveyance and management of traffic arising in or destined for the Channel Islands or any of them and for the joint holding and user of property and the joint employment of officers and servants in connection with such joint working handling conveyance and management :

Provided that nothing in this section contained shall be deemed to authorise the making of agreements for the allocation of traffic or the pooling of receipts or otherwise for effecting a combination which would contravene the purposes of the Railways Act 1921 except in accordance with and subject to the provisions of section 19 of that Act.

Further powers as to provision of houses for staff.

89.—(1) The powers of the Company under section 93 (Provision of houses for staff of Company) of the Southern Railway Act 1923 shall extend so as to enable the Company—

- (A) To hold or dispose of land and houses already acquired by them whether of freehold copyhold or leasehold tenure ;
- (B) To erect and maintain houses on land now held or hereafter acquired by the Company ;
- (C) To promote and form or assist in the promotion and formation or extension of any company or other body for the purpose of the acquisition of houses for persons in the employment of the Company ; and
- (D) To make advances to or subscribe for and hold the shares of any such company or body.

(2) Any provision in any public or local Act or in any byelaw or in any order or scheme made under the Housing Acts 1890 to 1923 or the Town Planning Acts

A.D. 1924.

1909 to 1923 or any Act amending the same respectively which exempts a railway or any property of a railway company from any of the provisions of such Act byelaw order or scheme or of any other Act byelaw order or scheme shall not apply to any house purchased taken on lease or erected by the Company under the powers of this section or to the drainage of or any land used for the purposes of any such house and nothing in this section shall exempt any such house from the provisions of any such Act byelaw order or scheme.

(3) Nothing in this section shall relieve the Company their successors or assigns from any covenant condition or restriction whether imposed by Act of Parliament deed or otherwise and attaching to the Company in respect of any land or house now held or hereafter acquired by them.

(4) Nothing in this section shall empower the Company to afford a supply of electricity within or for use within any such house as aforesaid.

(5) For the purposes of this section and section 92 (Advances on mortgage for housing of staff of Company) and the said section 93 of the Southern Railway Act 1923 the expression "the Company" means and includes in addition to the Company any joint committee now or hereafter incorporated or constituted by Act of Parliament on which the Company may be represented and as regards any person now or hereafter in the employment of the Company jointly with any other company or companies means and includes the Company and such other company or companies.

90.—(1) From and after the passing of this Act no right of way as against the Company shall be acquired by prescription or user over any road or footpath now or hereafter the property of the Company and forming an access or approach to any station or goods yard or any dock or harbour premises of the Company nor shall a dedication to the public of any such road or footpath be presumed by reason of any user thereof by the public if and so long as the Company maintain in some conspicuous position in such road or footpath a notice stating that the same is a private road or footpath Provided that no such notice shall be effective for the purposes of this section unless at least one month before

As to rights
of way over
roads and
footpaths.

A.D. 1924.

it is first exhibited the Company give notice in writing (accompanied by a copy of this section) to the council of the borough or urban or rural district in which the road or footpath to which the notice relates is situate and in addition where it is situate in a rural district to the parish council or chairman of the parish meeting of the parish in which such road or footpath is situate. Provided also that nothing in this section shall prejudice or affect any public right of way in existence prior to the first exhibition of any such notice.

(2) For the purposes of this section the expression "the Company" means and includes in addition to the Company any joint committee now or hereafter incorporated or constituted by Act of Parliament on which the Company may be represented and as regards any roads and footpaths now or hereafter belonging to the Company jointly with any other company or companies means and includes the Company and such other company or companies.

Powers as to
building on
or over
lands.

91.—(1) The Company shall have power and shall be deemed always to have had power to build and fit up houses shops chambers flats offices or any other similar buildings on any lands which have already been or may hereafter be acquired or held by the Company under the powers of this Act or of any previous Act or on or over any station or railway of the Company or any station or railway which they may hereafter erect or acquire under any such powers and to hold sell demise let or otherwise dispose of the freehold or any other interest of or in any buildings or any part or parts of buildings erected or to be erected on any such lands or over any such station or railway of the Company or on the site thereof and also to sell demise let or otherwise dispose of the right to build on any of the said lands or on or over any such station or railway or upon the sites thereof respectively.

(2) Every such demise letting disposition or other dealing shall be for such consideration and on such terms and conditions and generally in such manner as the Company shall think fit and in particular any lease or letting may be for any term or number of years whether in possession or reversion and in the case of a building lease at a peppercorn rent for any term of

years not exceeding five and the Company may enter into execute and do any contract deed act or thing proper for effectuating any such demise letting disposition or other dealing as aforesaid.

A.D. 1924.

(3) Any provision in any public or local Act or in any byelaw or in any order or scheme made under the Housing Acts 1890 to 1923 or the Town Planning Acts 1909 to 1923 or any Act amending the same respectively which exempts a railway or any property of a railway company from any of the provisions of such Act byelaw order or scheme or of any other Act byelaw order or scheme shall not apply to any building built or fitted up by the Company under the powers of this section or to the drainage of or any land used for the purposes of any such building and nothing in this section shall exempt any such building from the provisions of any such Act byelaw order or scheme.

(4) Nothing in this section shall relieve the Company their successors or assigns from any covenant condition obligation or restriction imposed by any public or local Act or by any deed or otherwise and attaching to the Company in respect of any lands which have already been or may hereafter be acquired by them.

(5) Nothing in this section shall empower the Company to afford a supply of electricity within or for use within any such building as aforesaid.

(6) For the purposes of this section the expression "the Company" means and includes in addition to the Company any company whose undertaking now forms part of the undertaking of the Company and any joint committee now or hereafter incorporated or constituted by Act of Parliament on which the Company may be represented and as regards any lands stations and railways now or hereafter belonging to the Company jointly with any other company or companies means and includes the Company and such other company or companies.

(7) Section 47 (Powers as to building on or over lands stations or railways of Company) of the South Western Railway Act 1913 is hereby repealed.

92. The provisions of section 49 (For protection of Windsor Castle &c.) of the South Western Railway Act 1913 shall apply to any building erected under the

For protec
tion of
Royal
Palaces.

A.D. 1924.

powers of the section of this Act of which the marginal note is "Powers as to building on or over lands."

As to
buildings in
Victoria
Station
forecourt.

93. In the exercise of the powers of the section of this Act of which the marginal note is "Powers as to building on or over lands" the Company shall not erect any buildings upon the forecourt of the Victoria Station of the Company as shown on the plan signed in duplicate by Sir Joseph Hood Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (one copy of which plan has been deposited in the Parliament Office of the House of Lords and the other copy in the Private Bill Office of the House of Commons) so as to interfere with the accommodation therein for pedestrian and vehicular traffic except upon the portions of the said forecourt which are coloured red on the said plan.

Disposal of
lands over
tunnels.

94.—(1) Where the Company have purchased or acquired or may purchase or acquire any lands or any interest in any lands under or through which any railway of the Company is or may be carried in tunnel it shall be lawful for the Company to convey or surrender those lands or any portion of those lands (whether such portion be divided horizontally or vertically from the remainder) or any interest in those lands or portion thereof for such estates for such consideration and upon and subject to such covenants terms and conditions as they may think fit or to let on lease or otherwise dispose of those lands or portion thereof or interest therein for such terms of years and at such rents or for such other consideration and subject to such covenants terms and conditions as the Company shall deem expedient.

(2) Nothing in this section shall relieve the Company their successors or assigns from any covenant condition obligation or restriction imposed by any public or local Act or by any deed or otherwise attaching to them in respect of any such lands as aforesaid.

(3) For the purposes of this section the expression "the Company" means and includes in addition to the Company any joint committee now or hereafter incorporated or constituted by Act of Parliament on which the Company may be represented and as regards any

A.D. 1924.

lands and railways now or hereafter belonging to the Company jointly with any other company or companies means and includes the Company and such other company or companies and the expression "any lands or any interest in any lands" shall be deemed not to include any mines of coal ironstone slate or other minerals.

(4) Subsection (1) of section 34 (Power to lease lands over railways of Company) of the South Western Railway Act 1906 is hereby repealed.

95.—(1) Subject to the conditions hereinafter set forth any two justices having jurisdiction in any one of the counties cities or boroughs in which the constables hereinafter mentioned are to act may on the application of the Company appoint all or so many as they think fit of the persons recommended to them for that purpose by the Company to act as constables in on and in the vicinity of the whole of the railways stations works and undertakings now or hereafter belonging or leased to or worked by the Company either solely or jointly with any other company or companies or to or by any joint committee now or hereafter incorporated or constituted by Act of Parliament on which the Company may be represented and the following provisions shall apply to every appointment so made :—

Railway
constables.

- (A) Every person so appointed shall make oath or declaration in due form of law before any justice having jurisdiction in any one of the counties cities or boroughs in which such person is to act duly to execute the office of a constable;
- (B) Every person so appointed and having been sworn or having made declaration as aforesaid shall during the continuance of his appointment have all the powers protection and privileges of a constable in respect of the exercise of his duties and may follow and arrest any person who has committed in on or in the vicinity of such railways stations works or undertakings any offence for which he might have been arrested while in on or in the vicinity of the same Provided that no such powers shall be exercised outside the limits of the premises of the Company except in regard to matters

A.D. 1924.

connected with or affecting the Company or their undertaking;

- (c) Any two justices assembled and acting together or the Company may dismiss from his office or accept the resignation of any constable so appointed and thereupon all powers protection and privileges belonging to such person by virtue of such appointment shall wholly cease. No person so dismissed or resigning shall be capable of being re-appointed except with the consent of the authority by whom he was dismissed;
- (D) The local authorities of any county city or borough shall not be liable for any expense of or be responsible for any acts or defaults of such constables or for anything connected with or consequent upon their appointment and nothing in this Act contained shall restrict or affect the jurisdiction or powers of the respective local authorities of the county city or borough as the case may be or of any police force;
- (E) A constable appointed as aforesaid shall not act as such under the authority of this Act unless he be in uniform or provided with an authority to act as a constable which authority the justice before whom such constable makes oath or declaration as aforesaid is hereby empowered to grant and if the constable be not in uniform he shall show such authority whenever called upon to do so.

(2) Every person who immediately prior to the passing of this Act is duly appointed to act as a constable employed by the Company shall be deemed to have been duly appointed to act in pursuance of this section as if his appointment had been made thereunder.

(3) The following enactments relating to railway constables are hereby repealed:—

Section 21 of the London Brighton and South Coast Railway Act 1902;

Section 36 of the South Eastern and London Chatham and Dover Railways Act 1905;

Section 36 of the South Western Railway Act 1906; A.D. 1924.
and
Section 49 of the Wimbledon and Sutton Railway Act 1923.

96.—(1) Any person in the employment or employed upon the property of the Company solely or of the Company in conjunction with any other company or companies or of any joint committee now or hereafter incorporated or constituted by Act of Parliament on which the Company may be represented who is found upon or in the immediate vicinity of any railway harbour dock station or other premises now or hereafter belonging or leased to or worked by the Company or such companies or joint committee and which is or are situate wholly or partially within the metropolitan police district or any of the areas specified in the Second Schedule to this Act or upon any vessel in any such harbour or dock and who may be reasonably suspected of having in his possession or conveying in any manner anything stolen or unlawfully obtained on or from any such premises or any such vessel may be stopped searched and taken into custody without a warrant by any constable to be dealt with according to law and every such constable may also stop and search any vessel cart or carriage in any such premises as aforesaid in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained may be found.

Powers of police as to search and arrest.

(2) Every such person who shall be brought before any court of summary jurisdiction charged with having in his possession or conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained and who shall not give an account to the satisfaction of such court how he came by the same shall be guilty of an offence against this section and liable on summary conviction to a penalty not exceeding five pounds or in the discretion of the court to imprisonment with or without hard labour for a term not exceeding two calendar months.

97.—(1) Any person who shall trespass upon any of the lines of railway or sidings now or hereafter belonging or leased to or worked by the Company solely or in conjunction with any other company or companies or

For better prevention of trespass on railway.

A.D. 1924. — to or by any joint committee now or hereafter incorporated or constituted by Act of Parliament on which the Company may be represented or who shall trespass upon any other railway property belonging leased or worked as aforesaid in dangerous proximity to live electrical apparatus used for or in connection with the working of the railway shall on summary conviction be liable to a penalty not exceeding forty shillings and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices shall apply to this enactment.

(2) No person shall be subject to any penalty under this enactment unless it shall be proved to the satisfaction of the court before which complaint is laid that public warning has been given to persons not to trespass upon the railway by notices painted on boards or printed on paper and pasted on boards or enamelled on metal or otherwise as the Company or such companies or joint committee may think fit and clearly exhibited and that one or more of such notices has been affixed at the station on that railway and at the public road level crossing (if any) nearest to the spot where such trespass is alleged to have been committed and such warning shall be renewed as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed.

Stone
throwing on
railway.

98.—(1) Any person who shall unlawfully throw or cause to fall or strike at against into or upon any engine tender carriage or truck used upon or any works or apparatus upon any of the railways now or hereafter belonging or leased to or worked by the Company solely or in conjunction with any other company or companies or to or by any joint committee now or hereafter incorporated or constituted by Act of Parliament on which the Company may be represented any wood stone or other matter or thing likely to cause damage or injury to persons or property shall on conviction be liable to a penalty not exceeding forty shillings and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and to the

determination of any other matter referred to justices shall apply to this enactment. A.D. 1924.

(2) Where the person charged under this section is a male under the age of fourteen years the court of summary jurisdiction before whom the offender is charged shall on conviction have the same powers as are conferred upon them by subsection (1) (D) of section 10 of the Summary Jurisdiction Act 1879.

99.—(1) The Company may establish a savings bank and may maintain the same with or without branches at such of their stations offices and works as they may think fit and may thereat receive moneys by way of deposit at interest from any person whose salary or wages is or are wholly or in part paid by the Company and who is employed (a) by the Company (b) by the Company jointly with any other company or companies (c) by any company whose undertaking is leased to or worked by the Company solely or jointly with any other company or companies or (d) by any joint committee on which the Company is represented and also from any such person who has retired from service owing to incapacity arising from ill health or old age or who is in receipt of any pension allowance from any superannuation or pension fund of the Company and also (if the rules hereinafter referred to so provide) from the wife son or daughter and (during the period of her widowhood) the widow of any of the persons aforesaid. Savings bank.

(2) Every such deposit with the interest thereon shall be a charge on the net profits of the undertaking of the Company next after the mortgage and debenture debt the South Eastern Railway (Reading) Annuities and the terminable loans of the Company and the interest thereon.

(3) From and after the establishment of a savings bank under the provisions of this section the existing savings banks of the Company shall be closed to new depositors and at such date or dates as the directors may determine the Company may amalgamate any such existing savings bank with any savings bank established under the provisions of this section.

(4) The Company may make rules for the regulation of any savings bank established under the provisions

[Ch. lxvi.] *Southern Railway* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924. of this section and two copies of such rules and of every amendment or alteration thereof under the hands of three of the directors and of the secretary of the Company shall be sent to the registrar as defined by the Friendly Societies Act 1896 in this section referred to as "the registrar."

(5) Such rules shall provide—

- (a) For the management of the savings bank and for the chief office of the same;
- (b) If thought fit for the appointment and discharge of trustees;
- (c) For the payment in and withdrawal of deposits the rate of interest thereon and the payment of such interest;
- (d) For the keeping and auditing of accounts;
- (e) For the balancing of accounts once a year at least and the sending on or before the first day of December in every year to the registrar a general statement (to be called the annual return) of the receipts and expenditure funds and effects of the savings bank as audited made out to the last preceding thirtieth day of September together with a copy of the auditor's report (if any);
- (f) For supplying every depositor on demand with a copy of the rules for the time being and with a copy of the annual return gratuitously;
- (g) For keeping a copy of the last annual return with the auditor's report (if any) always hung up in a conspicuous place at the chief office of the savings bank;
- (h) For giving notice within fourteen days to the registrar of any change in the chief office;
- (i) For the settlement of disputes between the Company and any depositor or his representatives.

(6) The registrar on being satisfied that the rules or that any amendment of rules of a savings bank are or is in conformity with law and with the provisions of this section shall issue to the Company an acknowledgment of registry of such savings bank and rules or of

such amendment of rules which shall be conclusive evidence that such savings bank and rules or such amendment of rules are or is duly registered. A.D. 1924.

(7) The rules when so registered shall be binding on the Company and its officers and on the depositors and their executors administrators and nominees.

(8) Unless otherwise provided by the rules the Company shall be deemed to be the trustees of any savings bank established by them.

(9) Deposits may if the rules so permit be received from or on behalf of infants and infants above the age of sixteen years may execute all instruments and give all acquittances necessary to be executed or given under the rules but all instruments and acquittances relating to the deposits or claims of infants under the age of sixteen shall be executed or made by their parents or guardians.

(10) A depositor above the age of sixteen may by writing under his hand sent to the secretary of the savings bank nominate any person above the age of sixteen to whom his deposits not exceeding one hundred pounds shall be paid at his decease and may from time to time in like manner revoke or vary such nomination.

(11) If any depositor shall become insane or otherwise incapacitated to act and the same shall be proved to the satisfaction of the secretary of the savings bank and he shall be satisfied of the urgency of the case he may authorise the payment if necessary for the maintenance of the depositor of the balance standing to the credit of such depositor or any part thereof to any person or institution having care of the depositor whose receipt shall be a sufficient discharge.

(12) The deposits not exceeding one hundred pounds of a person who dies intestate and without having made any nomination under this section which remains unrevoked at his death may be paid without letters of administration to the person who appears to the secretary of the savings bank upon such evidence as he may deem satisfactory to be entitled by law to receive the same and section 6 of the Industrial and Provident Societies (Amendment) Act 1913 shall apply as if the savings bank were a registered society and as if the secretary of the savings bank were the committee of the society referred to in that section.

A.D. 1924.

(13) Sections 8 and 9 of the Provident Nominations and Small Intestacies Act 1883 shall apply to every savings bank in this section referred to as if it were a society and to the depositors therein as if they were members and sections 9 10 48 and 49 of the Trustee Savings Banks Act 1863 as amended by the Savings Banks (Barrister) Act 1876 shall apply to every savings bank in this section referred to.

(14) If the trustees or officers of a savings bank fail to give any notice to send any document or return or to do anything which they are in pursuance of this section required to do or make a return or wilfully furnish information to the registrar in any respect false or insufficient or otherwise act contrary to the provisions of this section they shall be liable to a penalty not exceeding five pounds recoverable at the suit of any person aggrieved or of the registrar in a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

(15) Section 100 of the Friendly Societies Act 1896 shall apply to any instrument or document or copy or extract of any instrument or document to be executed or issued by the registrar for the purposes of this section. A copy of the rules under the seal of the Company shall also be evidence of such rules.

(16) The following fees shall be payable to the registrar for matters to be transacted under the provisions of this section and shall be paid by the registrar into His Majesty's Exchequer:—

For the acknowledgment of registry of a savings bank and rules and of every amendment of such rules -	£	s.	d.
	1	1	0
For the determination of the registrar on a dispute -	1	1	0
And if more than one hearing or adjournment become necessary then 1 <i>l.</i> 1 <i>s.</i> 0 <i>d.</i> in addition for every hearing after the first and for every adjournment;			
For every document required to be signed by the registrar or to bear the seal of the central office referred to in the Friendly Societies Act 1896 not chargeable with any other fee to the registrar -	0	2	6

	£	s.	d.	A.D. 1924.
For every inspection on the same day of documents (whether one or more) in the custody of the registrar relating to the same savings bank - -	0	1	0	—
For every copy of or extract from any document in the custody of the registrar not exceeding two hundred and sixteen words - - - -	0	1	0	
And if exceeding that number fourpence per folio of seventy-two words in addition to the fee (if any) for the signature of the registrar or seal of the said central office.				

100. The Company may make any fixed or annual or other payment to or towards the funds of any provident institution established by or for the benefit of present or past officers or servants of the Company or of any company whose undertaking now forms part of the undertaking of the Company or their wives children or widows or other dependants. Power to contribute to provident institutions.

101. The Company may raise by the creation and issue of new stock (other than debenture stock) such additional capital as they shall think necessary not exceeding two million six hundred and fifty thousand pounds (which includes one million one hundred and fifty thousand pounds being the amount of the capital which the Wimbledon Company are authorised to raise) and the Company may create and issue such new stock either wholly or partially as ordinary stock or wholly or partially as preference stock as they may think fit Provided that notwithstanding anything contained in the Companies Clauses Act 1863 any such preference stock may bear such rate of dividend as the directors of the Company determine at the time or times of the creation or issue thereof. Additional capital.

102. The Company may in issuing any new stock under the powers of this Act dispose of the same at such times to such persons on such terms and conditions and in such manner as the directors of the Company think advantageous to the Company. Disposal of new stock.

103. Any new stock created by the Company under this Act otherwise than as debenture stock shall unless otherwise provided by the terms of creation or issue New stock subject to same

A.D. 1924.
—
incidents as
original
capital.

thereof be subject and entitled to the same powers provisions forfeitures liabilities rights privileges and incidents as if that stock were part of the original capital stock of the Company of the same class and denomination.

Power to
cancel
unissued
stock.

104. If the Company after having created any new stock in respect of such additional capital determine not to issue the whole of the stock created they may cancel the unissued stock and may from time to time thereafter create and issue instead thereof other new stock of an aggregate amount not exceeding the aggregate amount of the stock so cancelled.

Power to
borrow.

105. The Company may in respect of the additional capital which they are by this Act authorised to raise borrow on mortgage of their undertaking any sums not exceeding in the whole one million three hundred and twenty-five thousand pounds (which includes five hundred and seventy-five thousand pounds being the amount which the Wimbledon Company are authorised to borrow) and of that sum the Company may borrow from time to time any sum or sums not exceeding in the whole one-third part of the amount of the said additional capital which at the time has been actually issued and accepted but no part thereof shall be borrowed until stock for one-half of the portion of the additional capital in respect of which it is borrowed is fully 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 stock for the whole of the portion of the said capital has been issued and accepted and has been paid up bonâ fide to the extent of one-half and is held by the persons to whom the same was issued or their executors administrators or assigns Upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Debenture
stock.

106. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 25 (Debenture stock) of the Railways (Southern Group) Amalgamation Scheme 1922.

107. Section 26 (Redeemable preference and debenture stock) and section 27 (Redemption fund) of the Railways (Southern Group) Amalgamation Scheme 1922 shall extend and apply to any preference stock and debenture stock which the Company are by this Act or may from time to time be authorised to create or issue.

A.D. 1924.
Redeemable preference and debenture stock.

108. All moneys raised by the Company under this Act whether by the issue of stock or by borrowing shall be applied only to purposes to which capital is properly applicable.

Application of capital.

109. Nothing in this Act shall prevent the Company from paying such interest on money advanced beyond the amount of calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845 but save as aforesaid no interest or dividend shall be paid out of any capital moneys of the Company.

Interest on money advanced beyond calls.

110.—(1) Notwithstanding anything contained in section 10 of the Companies Clauses Consolidation Act 1845 as from time to time applied to the Company the Company may substitute for the shareholders' address book provided under that section a card or other index (of a type to be approved by the auditors of the Company) containing the names and addresses of the several shareholders of the Company and that section in its application to the Company shall be read and have effect accordingly and when such card or other index has been so substituted section 34 of the Regulation of Railways Act 1868 shall cease to apply to the Company :

Substitution of card index for shareholders' address book.

Provided that the charge made for a copy of such card or other index shall not exceed the sum of ten pounds.

(2) If the Company act in contravention of section 10 of the Companies Clauses Consolidation Act 1845 as varied by this section they shall be liable for each offence to a penalty not exceeding twenty pounds which shall be recoverable and applied in the same manner as penalties imposed by the Railways Clauses Consolidation Act 1845 are for the time being recoverable and applicable.

111.—(1) The directors of the Company may fix a date for striking the balances for dividend on the guaranteed preference the preference and the ordinary stocks of the Company not being more than thirty-seven

Power to strike a balance for dividend and interest.

A.D. 1924.

days before the day on which the dividend is to be declared and for striking the balances for interest on the debenture stock the South Eastern Railway (Reading) annuities and the terminable loans of the Company on any day not being more than twenty-one days before the day on which such interest is to be paid. Provided that seven days' notice of the date so fixed shall be given by advertisement in a newspaper published in London and the dividend or interest shall be payable to the persons whose names are registered in the books of the Company on the date so fixed.

(2) No proprietors other than those whose names are registered in the books of the Company on the date so fixed shall be entitled to attend or vote at or be deemed to be on the register of the Company for the purposes of the general meeting of the Company at which the dividend on any such stock is to be declared or any special general or extraordinary meeting held at any time after the balance is struck up to and including the day on which such general meeting is held.

Transfer of
stock on
authority of
order of a
court.

112.—(1) An order or decree or official extract thereof of any court in Scotland whereby the right to transfer or call for a transfer of any stock of the Company or to receive any dividend thereon is expressed to be vested in any person shall be sufficient authority to the Company to allow the transfer of the stock or to pay the dividends in accordance with the order or decree.

(2) An official extract of any such appointment as is mentioned in section 13 of the Judicial Factors (Scotland) Act 1889 shall where any stock of the Company is specified in such official extract or in a certificate under seal by the accountant of court produced along with such extract as belonging to or forming part of the estate under the charge of the person named in the extract be deemed for the purposes of this section to be a decree whereby the right to transfer such stock is vested in the person so named.

Power to
Company to
give
customs and
other bonds.

113. The Company may with the sanction of the Commissioners of Customs and Excise give and grant under their common seal to His Majesty bonds general or otherwise conditioned for the due removal or exportation of goods liable to duties of customs or excise or for ware-

housing or otherwise dealing with such goods in accordance with the laws and regulations of the customs and excise from time to time in force.

A.D. 1924.

114. The Company may appropriate and apply to all or any of the purposes of this Act being purposes to which capital is properly applicable any of the moneys which they have raised or are authorised to raise and which are not required for the purposes to which they are made specially applicable.

Power to
Company to
apply funds.

115. The Great Western Railway Company may apply to the purposes of this Act in which they are interested and to which capital is properly applicable any sums of money which they have already raised or are authorised to raise and which are not required for the purposes to which they are made specially applicable.

Power to
Great
Western
Railway
Company to
apply funds.

116. Proceedings for the recovery of any demand 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 any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of
demands.

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

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

118. Except as otherwise expressly provided nothing in this Act contained shall exempt the Company or any other company upon whom any powers are conferred by this Act or their respective railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the passing of this Act 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 the said companies respectively.

Provision as
to general
Railway
Acts.

A.D. 1924.

—
Crown
rights.

119. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises 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 land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent the said Commissioners and Board are hereby respectively authorised to give.

Costs of
Act.

120. 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. 1924.

THE FIRST SCHEDULE.

PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN
COMPULSORILY.

Area.	Nos. on deposited Plans.	Description of Property in Book of Reference.
-------	--------------------------------	--

RAILWAY WIDENING AT SOUTHAMPTON.

County borough of South- ampton.	50	Stackyard railway siding and sheds.
-------------------------------------	----	--

RAILWAY No. 4.

Urban district of Sutton	1	Garden.
	2	Garden.
	3	Garden.
	4	Garden.
	5	Building land.
	6	House garage and garden.
	7	House and garden.
	9	House and garden.
	10	House and garden.
	11	House and garden.
	12	Yard and sheds.
	13	Office and yard.
	14	Garage.
	15	Garden.

RAILWAY No. 6.

Urban district of Dorking	9	Garden.
---------------------------	---	---------

SUBWAY AT GREENWICH.

Metropolitan borough of Greenwich.	3	Road (Stockwell Street) and cellars under footway.
---------------------------------------	---	---

LANDS AT BRENTFORD.

Urban district of Brentford	1	Lodge garden ground and out- buildings.
-----------------------------	---	--

A.D. 1924.

Area.	Nos. on deposited Plans.	Description of Property in Book of Reference.
-------	--------------------------	---

LAND AT SLADES GREEN.

Urban district of Crayford -	4	Field sidings sheds refuse shoot and occupation road.
------------------------------	---	---

LAND AT BIRCHINGTON.

Parish of Birchington-on-Sea	1	Garden ground.
	3	Yard oil tanks and pipes.
	5	Furniture depository roadway and yard.
	6	Garden ground.
	7	Garden ground and poultry runs.

THE SECOND SCHEDULE.

AREAS OUTSIDE METROPOLITAN POLICE DISTRICT IN WHICH SPECIAL POWERS OF SEARCH AND ARREST MAY BE EXERCISED.

County Boroughs.	Boroughs.	Urban Districts.
Reading.	Basingstoke.	Woking.
Portsmouth.	Salisbury.	Eastleigh.
Exeter.	Bournemouth.	Newhaven.
Plymouth.	Weymouth.	Lancing.
Southampton.	Dover.	
Brighton.	Folkestone.	
	Gravesend.	
	Chatham.	
	Ashford.	
	Reigate.	

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
 Adastral House, Kingsway, London, W.C. 2; 28, Abingdon Street, London, S.W. 1;
 York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
 or 120, George Street, Edinburgh;
 or through any Bookseller.