



CHAPTER CCXV.

An Act for making a Railway between Ealing and South Harrow in the county of Middlesex and for other purposes. A.D. 1894.
[25th August 1894.]

WHEREAS the making and maintaining of the railways herein-after described would be of public and local advantage:

And whereas the persons in this Act named with others are willing to carry the undertaking into execution on being incorporated into a Company for the purpose:

And whereas it is expedient to authorise the working and other agreements by this Act provided for:

And whereas it is expedient that the Company should be authorised subject to the provisions of this Act to pay interest upon the amount paid up from time to time in respect of shares in their capital as by this Act provided:

And whereas the railway was originally intended to be constructed with bridges works and permanent way similar to that of the Metropolitan District Railway with which it is to form a junction near Ealing and the estimate of expense was prepared and the amount of capital fixed for such a line but until arrangements are made for bringing and developing merchandise traffic on the railway a single line with less expensive works and lighter permanent way will sufficiently accommodate the coaching traffic and may be constructed in the first instance at a cost of about seventy-five thousand pounds and it is therefore expedient that until further capital is required for adapting the line for merchandise traffic the Company should be enabled to exercise borrowing powers in respect of seventy-five thousand pounds of their share capital:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners

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and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Middlesex and are herein-after 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 Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the *Ealing and South Harrow Railway Act 1894*.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the Company incorporated by this Act the expressions "the railway" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Alexander Keith Carlyon Alfred Henry Johnson David Pitcairn Richard St. George Moore Henry Haynes and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are

hereby united into a company for the purpose of making and maintaining the railways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Ealing and South Harrow Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. A.D. 1894.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper bridges viaducts stations sidings approaches junctions roads buildings yards works and conveniences connected therewith and incidental thereto respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act will be situate wholly in the county of Middlesex and are :— Power to make railways.

(1.) Railway (No. 1) 1 furlong 0·21 chains in length wholly in the parish of Ealing commencing by a junction with the Metropolitan District Railway at a point 10 feet or thereabouts measured in an easterly direction from the eastern parapet of the bridge carrying Hanger Lane over that railway at Ealing and terminating at a point 675 feet or thereabouts measured in a north-easterly direction from the said point of commencement :

(2.) Railway (No. 2) 9·70 chains in length wholly in the parish of Ealing commencing by a junction with the Metropolitan District Railway at a point 75 feet or thereabouts measured in a north-westerly direction from the centre of the bridge carrying that railway over the Great Western Railway near Ealing and terminating at the point of termination of the intended Railway No. 1 before described :

(3.) Railway (No. 3) 4 miles 6 furlongs 9 chains in length commencing in the parish of Ealing at the point of termination of Railway No. 1 and Railway No. 2 before described and terminating in the parish of Harrow-on-the-Hill at a point on the south-eastern side of the Northolt Road 444 feet or thereabouts measured along the road in a north-easterly direction from the guide post at the junction of Ruislip Road with Northolt Road near the north-east corner of the grounds of St. Hilda House as shown on the 6-inch Ordnance map.

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Capital.

Shares not
to be issued
until one
fifth paid.

6. The capital of the Company shall be one hundred and twenty thousand pounds in twelve thousand shares of ten pounds each.

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

Calls.

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

Receipt in
case of
persons not
sui juris.

9. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to
divide
shares.

10. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called preferred half share and the other shall be called deferred half share but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividend on
half shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been paid on the entire share if the same had not been divided.

Dividend on
preferred
shares to be

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by

the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

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paid out of
the profits
of the year
only.

13. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Half shares
to be regis-
tered and
certificates
issued.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half-share.

Terms of
issue to be
stated on
certificates.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of
preferred
shares.

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

Preferred
shares not to
be cancelled
or surren-
dered.

17. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares
to be half
shares in
capital.

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Power to
borrow.

18. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole forty thousand pounds in respect of the capital of one hundred and twenty thousand pounds by this Act authorised or they may (subject to the conditions herein-after contained) borrow from time to time not exceeding twenty-five thousand pounds in respect of the first issued seventy-five thousand pounds of the said capital and not exceeding fifteen thousand pounds in respect of the remaining forty-five thousand pounds of the said capital but no part of any such sums of forty thousand pounds twenty-five thousand pounds or fifteen thousand pounds shall be borrowed until the whole capital or respective portion of capital in respect of which it is to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital or portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital or portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital or portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appoint-
ment of a
receiver.

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

Debenture
stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of

Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. A.D. 1894.

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

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint. First ordinary meeting.

23. The quorum for general meetings whether ordinary or extraordinary shall be five shareholders present in person or by proxy holding together not less than four thousand pounds in the capital of the Company. Quorum for meetings of Company.

24. The number of directors shall be five but the Company may from time to time reduce and again increase the number provided that the number be not less than three or more than five. Number of directors.

25. The qualification of a director shall be the possession in his own right of not less than twenty-five shares. Qualification of directors.

26. The quorum of a meeting of directors shall be three. Quorum.

27. Alexander Keith Carlyon Alfred Henry Johnson David Pitcairn Richard St. George Moore and one other duly qualified person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall First directors. Election of directors.

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A.D. 1894. continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

28. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

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

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

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

Company empowered or may be required to underpin or otherwise strengthen houses near railway.

31. If in the execution and maintenance of any works authorised by this Act it shall be necessary in order to avoid injury to the houses and buildings within one hundred feet of the railway to underpin or otherwise strengthen the same the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after 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 and

lessees of the house or building so intended or so required to be underpinned or otherwise strengthened : A.D. 1894.

- (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 and 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 the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :
- (4.) Such referee 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 cost of the reference shall be in the discretion of the referee :
- (6.) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (7.) 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 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 and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such 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 :

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

Power to
take ease-
ments &c.
by agree-
ment.

32. 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 other than the parties to the agreement have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

For the pro-
tection of the
Metropolitan
District
Railway
Company.

33. The following provisions for the protection of the Metropolitan District Railway Company (herein-after called "the District Company") shall unless otherwise agreed between the Company and the District Company be observed and carried into effect (that is to say) :—

- (1.) The junctions of the Railways Nos. 1 and 2 by this Act authorised with the railway of the District Company and all works required for effecting such junctions including all signals distance signals signalling and safety appliances which may be required to comply with the regulations of the Board of Trade from time to time and any works affecting the lands or works of the District Company or within 50 yards thereof shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the engineer of the District Company and according to plans sections and specifications to be previously submitted to such engineer and reasonably approved by him in writing Provided that if such engineer shall not have expressed his approval or disapproval of the said plans sections and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof :
- (2.) The works shall be constructed and maintained by the Company so that the traffic upon the railway of the District

Company shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the District Company and in all things at the expense of the Company :

- (3.) The Company shall from time to time be responsible for and make good to the District Company all costs losses damages and expenses from time to time occasioned to that company or any of their works or property or the traffic on their railway or to any company or companies person or persons using the same railway or works or otherwise by reason of the execution or failure of any of the works of or incidental to the construction or maintenance of the junctions aforesaid and of the railways by this Act authorised or any act or omission of the Company or any of the persons in their employ or their contractors or others and the Company shall effectually indemnify and hold harmless the District Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission :
- (4.) The Company shall at their sole expense at all times maintain the said junctions and all signals distance signals signalling and safety appliances aforesaid and all works within 50 yards of the railway of the District Company in substantial repair and good order and condition to the satisfaction in all respects of the engineer for the time being of the District Company and if and whenever the Company fail so to do after one month's notice from the District Company for that purpose or in case of urgency the District Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the District Company shall think requisite in that behalf and the sum from time to time certified by the said engineer to be the amount of the expenditure in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the District Company from the Company in any court of competent jurisdiction :
- (5.) If by reason of the construction or maintenance of the works or any of them or the failure of any of the works or of the maintenance thereof or otherwise the said railway of the District Company or the works connected therewith shall be injured or the traffic thereon impeded the Company shall compensate the District Company for all costs to which they may be put in repairing the said damage and shall also pay by

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way of liquidated damages to the District Company one hundred pounds for every hour during which such traffic shall be impeded :

(6.) The Company shall also indemnify the District Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on the District Railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the Company or any of their contractors or their respective servants or workmen :

(7.) If any difference or dispute shall arise between the engineer of the Company and the engineer of the District Company as to the execution of the works to be done by the Company under the powers of this Act the same shall be from time to time referred to and settled by an engineer to be agreed upon between the Company and the District Company or in case of difference to be appointed on the application of either Company by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration shall be in the discretion of the arbitrator :

(8.) The Company shall not acquire any estate or interest in the lands and property of the District Company other than an easement or right of constructing or maintaining therein the works by this Act authorised :

(9.) The amount to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

34. Notwithstanding anything in this Act contained the following provisions shall unless otherwise agreed between the Company and the Company of Proprietors of the Grand Junction Canal (herein-after called "the canal company") apply for the protection of the canal company (that is to say):—

(1.) In constructing or maintaining the railway in this Act called Railway No. 3 over the Grand Junction Canal (herein-after called "the canal") or in executing and maintaining any of the works by this Act authorised the Company shall not alter the line or level of the canal or of the towing path thereof or (except temporarily during the construction or repairs of the bridge or works as herein-after mentioned) contract the present width of the waterway or towing path of the canal or obstruct or impede the navigation thereof or the passage along the said towing path or intercept cut off take use or diminish or allow

For pro-
tection of
Grand
Junction
Canal.

to escape any of the waters of the canal or which may be taken for the use of or which supply the canal or damage or interfere with any of the works of the canal;

- (2.) The Company shall not otherwise than by agreement purchase or take any land or property belonging to the canal company but shall only acquire such an easement therein as may be necessary for the purpose of the construction maintenance and use of the said railway subject to the restrictions herein contained :
- (3.) The said railway shall be carried across the canal and towing path thereof by means of a bridge of brick stone or iron or any of those materials combined and no part of the soffit or underside of the arch or girders of such bridge shall be less than 10 feet clear above the weir level of the canal at the point of crossing and the said bridge shall be constructed so as to be carried over the canal and the towing path thereof by a single span of not less than 60 feet measured at right angles to the face of the abutments of the bridge and such abutments shall be placed in such positions as shall be determined by the engineer of the canal company Unless otherwise agreed on between the canal company and the Company the width between the parapets shall not be greater than 30 feet :
- (4.) The Company shall at all times during the construction of the said bridge and works connected therewith and any future repairs thereof keep an uninterrupted navigable width of waterway in the canal of not less than 20 feet with a clear width of towing path of eight feet and a clear headway above the level of such water and towing path of 10 feet :
- (5.) The bridge and all the works connected therewith shall be constructed and for ever thereafter maintained in good and substantial repair by and at the expense of the Company and the said bridge and works and all future repairs thereof shall be constructed and executed according to plans and specifications to be submitted to and to be subject to the reasonable approval of the engineer of the canal company previously to the commencement of the works and shall be carried on and completed under the superintendence and to the reasonable satisfaction of such engineer whose reasonable expenses in connexion with such approval and superintendence shall be paid by the Company In the event of the Company at any time neglecting after due notice from the canal company to maintain or repair the said bridge and works the canal company may repair the same and recover the expenses of so

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doing from the Company with costs in any court of competent jurisdiction:

- (6.) If in the construction maintenance or repair of the said bridge or works or by reason or in consequence of the failure or want of repair thereof any damage to the canal or towing path or works thereof or any obstruction of the navigation of the canal or the passage along the said towing path or any loss of water from the canal shall be at any time occasioned contrary to the provisions of this section and the canal company shall give the Company notice thereof the Company shall forthwith restore the canal and towing path and works thereof to the same state and condition as before the happening of such damage and remove such obstruction and prevent such loss of water (as the case may be) under such superintendence and to such reasonable satisfaction as aforesaid and in their default it shall be lawful for the canal company to do the same and to recover the expense of so doing from the Company in manner aforesaid :
- (7.) The said bridge and all the works connected therewith shall (unless the Company are prevented from completing the same by strikes or other inevitable cause or accident) be completed within the period of nine months from the commencement thereof and if the same shall not be so completed the Company shall pay to the canal company as and by way of liquidated damages the sum of ten pounds for every day after the expiration of that period until the same shall be completed :
- (8.) If at any time in the construction maintenance or repair of the said bridge or works and by reason thereof or by reason or in consequence of the failure or want of repair thereof the water of the canal shall leak or escape or run to waste from the canal or if the navigation of the canal or the passage along the towing path thereof shall be obstructed or interrupted the Company shall after notice thereof given to the Company by the canal company pay to the canal company as and by way of liquidated damages the sum of twenty shillings for every reasonably estimated one thousand cubic feet of water which shall have so leaked escaped or run to waste and in the same proportion for any greater or less quantity and in like manner the sum of ten pounds for every hour during which such obstruction or interruption shall continue after notice thereof or if such obstruction or interruption shall continue for more than seventy-two consecutive hours after such notice or shall be caused by any wilful act neglect or omission of the Company or their agents contractors servants or workmen then the sum

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of twenty pounds for every hour during which such obstruction or interruption shall so continue but nothing herein contained shall prevent the canal company from recovering from the Company beyond the amount of such liquidated damages any special damages that may be sustained by them and the canal company may sue for and recover such liquidated and special damages with costs in any court of competent jurisdiction :

(9.) If any difference shall arise between the Company and the canal company under this section or with reference thereto the same shall be from time to time settled by arbitration in the manner provided by the Railway Companies Arbitration Act 1859 for the settlement of disputes by arbitration and for the purposes of any such arbitration the canal company shall be deemed to be a railway company.

35. (1.)—Before executing any of the works by this Act authorised over under or within five feet of any of the mains pipes or other works of the Central Middlesex Water Company Limited (herein-after called “the water company”) the Company shall give to the water company seven days’ notice in writing of the intended works to be carried out by them and the works to which such notice applies shall be carried out according to plans to be previously submitted to and reasonably approved by the engineer of the water company and under the superintendence and to the reasonable satisfaction of such engineer if he thinks fit to attend or of any person he may appoint and employ to superintend the execution of the works and to secure the safety of the mains pipes or other works of the Water Company and the reasonable cost of such superintendence shall be borne and defrayed by the Company and all such works shall be carried out so as to cause as little injury as circumstances will admit to any such mains pipes or other works of the water company and if any injury owing to or by reason of the construction or repair of any of the works by this Act authorised shall arise to any main pipe or other works of the water company or interruption of the supply of water the Company shall make full compensation in respect thereof to the water company Provided always that the said engineer shall express his approval or disapproval of any plans submitted to him within seven days of their submission and if no such approval or disapproval be expressed he shall be deemed to have approved the plans and the Company may execute the works in accordance with the plans submitted.

For protec-
tion of the
Central
Middlesex
Water Com-
pany.

(2.) Where the Company is authorised to do any work under any existing street road or other public thoroughfare or place wherein the water company is authorised or may be required to lay its

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mains or pipes and shall construct any bridge tunnel or other work for the preservation or otherwise in respect of such street road or public thoroughfare or place the Company shall leave or provide sufficient space above or through the arches in the case of brick bridges and between the girders in the case of girder bridges to allow mains or pipes of the water company to be laid with proper protection from frost or otherwise And where such protection cannot be afforded for laying the mains or pipes over any of such bridges tunnels or other works the water company may at their own expense lay such mains or pipes over or under the railway by the side of any such bridges or otherwise but so as not to interfere with the user of the railway by the railway company and the railway company shall permit the water company to lay at the expense of the water company any main or pipe over or under or by the side of the railway at any other points where the public thoroughfare for the time being crosses the railway as may from time to time be necessary Where the mains or pipes shall be laid or carried across or by the side of the railway all such works shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the railway company.

(3.) If any difference shall arise between the Company and the water company under this section or with reference thereto the same shall be from time to time settled by arbitration in the manner provided by the Railway Companies Arbitration Act 1859 for the settlement of disputes by arbitration and for the purposes of any such arbitration the water company shall be deemed to be a railway company.

For the pro-
tection of
the Acton
Local Board.

36. For the protection and benefit of the local board for the district of Acton in the county of Middlesex (herein-after referred to as "the local board") the following provisions shall save as otherwise agreed between the local board and the Company have effect and apply (that is to say):—

(1.) If the Railway No. 3 authorised by this Act is constructed so as to interfere with the public footpath No. 4 on the deposited plans in the parish of Acton in the said county the Company shall carry the said footpath over the railway by means of a bridge of a width not less than 40 clear feet between the parapets which shall not be less than four feet above the level of the said footpath and the approaches shall be of the same width of 40 feet and be constructed with gradients not steeper than one in forty :

(2.) The Company shall at all times maintain the said bridge and parapets in substantial repair and good order to the reasonable

satisfaction in all respects of the surveyor for the time being of the local board. A.D. 1894.

37. In constructing the Railway No. 3 by this Act authorised the following provisions for the protection of the local board for the district of Harrow-on-the-Hill (in this section called "the local board") shall unless otherwise agreed between the local board and the Company have effect (that is to say) :—

For the protection of the Harrow Local Board.

(1.) The Company shall construct and at all times maintain the bridge for carrying the road numbered on the deposited plans 71 in the parish of Harrow-on-the-Hill commonly called Greenford Road over the said railway in such a manner as to give a clear width of forty feet between the parapets thereof and so as to leave the level of the said road unaltered :

(2.) The Company shall not cross over break up alter or in any way interfere with such part of the road numbered on the deposited plans 79 commonly called Green Lane as is in the parish of Harrow-on-the-Hill :

(3.) At the point where the said railway will cross the public footpath from the Northolt Road Harrow to Wood End the Company shall construct and at all times maintain and keep open for public use a footbridge over the railway of the width of six feet at least and with steps on either side thereof having treads of not less than eleven inches and rises of not more than seven inches :

(4.) In constructing the said railway where the same crosses the watercourse running through the field numbered on the deposited plans 73 in the said parish the Company shall preserve so much of such watercourse as lies under the railway by properly arching in the same in such a manner as to leave a clear waterway to the crown of the arch and a width at the springing of the crown of the arch respectively of not less than four feet throughout the whole length of such watercourse as shall be covered by the said railway :

(5.) Notwithstanding anything in this Act the Company shall not cross over break up alter or in any way interfere with the roadway numbered on the deposited plans 80 in the said parish and commonly known as South Hill Avenue except in such manner and according to such plans and sections as shall be reasonably approved of by the local board :

(6.) The parapets of the bridges constructed within the district of the local board by the Company under the powers of this Act shall be not less than six feet in height above the level of the footpaths or five feet in height if measured from the centre of

A.D. 1894.

the roadway over such bridges and such parapets shall extend the whole width of the railway and for a distance of not less than six feet on either side thereof :

- (7.) All roads and footways altered interfered with or disturbed by the Company shall be levelled and otherwise restored and made as good in all respects as they were before the construction of the said railway to the reasonable satisfaction of the surveyor for the time being of the local board and thereafter for a period of twelve months maintained by the Company at their own expense :
- (8.) The Company shall not affix or exhibit or permit to be affixed or exhibited on any piers abutments parapets or screens of bridges authorised by this Act except to face the railway side thereof or on any part of the Company's land adjacent thereto within the district of the local board except within stations and station approaches any placards or advertisements other than such as relate to the business of the Company :
- (9.) The Company shall to the reasonable satisfaction of the surveyor for the time being of the local board restore all sewers drains hydrants pipes and gullies in the private roads as well as in the highways and public places which shall be broken up destroyed damaged disturbed or interfered with in the execution of the works or provide instead thereof proper sewers drains hydrants pipes and gullies but in no case shall any sewers or drains be diverted or the levels or gradients of the same altered without previous notice in writing to the surveyor for the time being of the local board :
- (10.) The Company shall not in any way during the progress of the works shut up or impede the public traffic over more than one half of the width of any street or highway within the district of the local board and when the surface of any such street or highway has been interfered with or disturbed by the Company in constructing the works or performing the operations by this Act authorised the Company shall well and sufficiently and to the reasonable satisfaction of the surveyor for the time being of the local board restore the surface so interfered with or disturbed and shall keep the same in efficient repair for the space of twelve months to the reasonable satisfaction of the said surveyor :
- (11.) The local board may at all times construct and maintain under or across the said railway and works of the Company such subways culverts sewers drains and pipes as they may think necessary or desirable without making any payment or compen-

sation to the Company in respect thereof and the Company shall afford to the local board all reasonable facilities of access for the purpose of the construction and maintenance as well as of the examination alteration renewal or repair of such subways culverts sewers drains and pipes but all such works shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the Company and so as not to interfere with the use and working of the railway or the traffic thereon and the Company shall not be liable for any injury or accident that may be caused or happen through the neglect of the local board in the execution or maintenance of such works Provided that the local board shall not commence any such works until they have delivered to the Company thirty days' notice in writing of their intention so to do along with plans sections and specifications of the proposed works and the Company have given their approval in writing to the proposed works and plans or failing such approval such plans have been approved by an arbitrator as herein-after provided The local board shall bear and pay as part of the expense of the construction maintenance alteration renewal and repair of any such works affecting the railway the expense of the employment by the Company of a sufficient number of inspectors or watchmen to be appointed by them for watching the railway with reference to and during such construction maintenance alteration renewal or repair and for preventing as far as may be all interference obstruction danger and accident which may arise therefrom :

(12.) The Company shall be liable to pay and shall pay to the local board any damages penalties costs charges or expenses which the local board may be legally liable to pay and shall have so paid in respect of any loss or damage consequent upon or arising from the execution by the Company of any works under the authority of this Act (whether such loss or damage occurs during or after the construction or in the maintenance alteration or repair of such works or in or by the enjoyment or user thereof) and all moneys to be paid by the local board on account of any damage penalties costs charges or expenses shall be repaid to the local board by the Company on demand and in default thereof may be recovered by the local board from the Company in like manner as a debt is ordinarily recoverable at law :

(13.) The Company shall execute and maintain all works required to be done by them under this section at their sole expense

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and prior to the commencement of any such works the Company shall submit plans drawings and specifications to the surveyor for the time being of the local board and no such works shall be begun until such surveyor shall have notified to the Company his approval of all such plans drawings and specifications or failing approval such plans have been approved by an arbitrator as herein-after provided and all such works shall be carried out under the superintendence and to the reasonable satisfaction of such surveyor whose reasonable charges incident to the approval of the said plans drawings and specifications and to the superintendence of the works shall be paid by the Company Provided that in case such surveyor shall not have notified to the Company his approval of such plans drawings and specifications as aforesaid within one month from the receipt thereof he shall be deemed to have approved the same :

(14.) The Company shall in addition to the terminal station construct and maintain and at all times keep open at least one other station for passengers within the district of the local board :

(15.) In case of any difference arising between the Company and the local board or their respective engineers or surveyors concerning the true intent and meaning of any of the provisions of this section or the construction or carrying into effect of any of the works matters or things to be done or performed under this section the same shall be referred to the arbitration of an engineer or other fit person to be nominated on the application of either party with seven days' notice in writing to the other by the President of the Institution of Civil Engineers and the expense of such arbitration shall be borne and paid as the arbitrator may direct.

For the protection of the Hendon Union Rural Sanitary Authority.

38. In constructing Railway No. 3 by this Act authorised (herein-after referred to as "the railway") where it passes through the district of the Hendon Union Rural Sanitary Authority the following provisions shall unless otherwise agreed between the Company and the sanitary authority have effect :—

(1.) The Company shall construct and at all times maintain the bridge for carrying the railway over the road leading from Sudbury to Ealing numbered 38 on the deposited plans in the parish of Harrow-on-the-Hill so as to span the entire width of the road (not however exceeding 40 feet) and provide a headway throughout the whole width of not less than 16 feet :

(2.) The Company shall construct and at all times maintain the bridge for carrying the road numbered 47 in the parish of

Harrow and leading from Sudbury to Perivale and Horsendon Wood over the railway and the approaches thereto so as to give a clear width of 30 feet between the parapets and with parapets 5 feet high and so that the approaches on either side shall not be constructed to a steeper gradient than 1 foot in 30 :

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(3.) The Company shall construct and at all times maintain a light footbridge 5 feet wide at or about the point marked and measured 2 miles $3\frac{1}{2}$ furlongs on the deposited plans of the railway. Such footbridge shall be in lieu of the two paths shown on the said deposited plans as crossing the line of the railway at the points marked and measured 2 miles 6 furlongs and 2 miles $6\frac{1}{2}$ furlongs respectively which shall be diverted so as to lead up to and across the said footbridge in a manner to be approved by the rural sanitary authority :

(4.) In case of any difficulty arising between the Company and the rural sanitary authority concerning the true intent and meaning of the provisions of this section or the construction or carrying into effect of any of the works agreed to be done by the Company under this section the same shall be referred to an arbitrator to be nominated by the President of the Institution of Civil Engineers on the application of either party and the expense of such arbitration shall be borne and paid as the arbitrator may direct.

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

Restrictions
on displacing
persons of
labouring
class.

(A.) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

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

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A.D. 1894.

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

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

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

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

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

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

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall contain proper covenants to secure during such period of twenty-five years the exclusive use of the buildings on such lands for the purpose of such dwellings and shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

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

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

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

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(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

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

Deposit
money not
to be repaid
except so far
as railway is
opened.

40. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of four thousand four hundred and twenty-five pounds nine shillings two and three quarters per cent. consolidated stock being five per centum upon the amount of the estimate in respect of the railway has been deposited with the Paymaster General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund. Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided for by the

next following section. Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the first-mentioned Act to the contrary notwithstanding.

A.D. 1894.

41. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors. Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Application
of deposit.

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A.D. 1894.

Period for
completion
of works.

42. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Classifica-
tion of
merchandise
traffic and
maximum
rates and
charges
applicable to
the Com-
pany.

43. The classification of merchandise traffic including perishable merchandise by passenger train exceeding fifty-six pounds in weight and the schedule of maximum rates and charges applicable to the Hounslow and Metropolitan Railway Company authorised by the Railway Rates and Charges No. 5 (East London Railway &c.) Order Confirmation Act 1892 shall be applicable and apply to the Company as if the Company were named in the Order confirmed by the said Act Provided that Scale II. of Part I. of the said schedule of maximum rates and charges shall be applicable and apply to the Company.

Tolls for use
of railway.

44. The Company may demand and take for the use of the railway by any other company or person with engines and carriages such reasonable tolls as they think fit.

Tolls for
small parcels.

45. With respect to small parcels not exceeding five hundred pounds in weight conveyed by passenger trains (not being small parcels of perishable merchandise exceeding fifty-six pounds in weight) the Company may demand and take any tolls not exceeding the following (that is to say):—

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

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

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

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

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

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

Maximum
rates for
passengers.

46. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including every

expense incidental to such conveyance shall not exceed the following A.D. 1894.
(that is to say) :—

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

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

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

For every passenger conveyed on the railway for a less distance
than three miles the Company may charge as for three miles
and every fraction of a mile beyond three miles or any greater
number of miles shall be deemed a mile.

47. Every passenger travelling upon the railway may take with
him his ordinary luggage not exceeding one hundred and twenty Passengers
luggage.
pounds in weight for first-class passengers one hundred pounds in
weight for second-class passengers and sixty pounds in weight for
third-class passengers without any charge being made for the
carriage thereof.

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

49. The Company on the one hand and the Metropolitan Power to
enter into
working
and traffic
agreements.
District Railway Company on the other hand may subject to the
provisions of Part III. of the Railways Clauses Act 1863 as amended
or varied by the Railway and Canal Traffic Acts 1873 and 1888
from time to time enter into and carry into effect agreements for
or with respect to the following purposes or any of them (that is
to say) :—

The working use management and maintenance of the railways
and works of the Company or any part thereof ;

The supply and maintenance during the continuance and for the
purposes of any agreement for the working or use of the
railways of the Company or any part thereof by the Metro-
politan District Railway Company of rolling or working stock
and plant and of officers and servants for the conveyance and
conduct of traffic on the railway ;

The management regulation interchange reception collection
transmission and delivery of traffic upon or coming from or
destined for the railways of the contracting companies ;

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A.D. 1894.

The providing of terminal and other accommodation offices buildings signals and conveniences for the traffic of the Company ;

The fixing collection payment division and appropriation of the tolls fares rates charges and other income and profits arising from traffic to from and over the railways of the contracting companies or any part or parts thereof and the payments allowances rebates or drawbacks to be paid made or allowed by either of the contracting companies to the other of them.

Tolls on traffic conveyed partly on the railway and partly on any other railway.

50. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways or any part thereof by any other company the railways of the Company and of such other company shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates fares and charges in respect of passengers and small parcels conveyed by passenger train partly on the railway of the Company and partly on any other railway for a less distance than three miles rates and charges may only be charged as for three miles and for every mile or fraction of a mile beyond three miles rates and charges as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic (including perishable merchandise by passenger train exceeding fifty-six pounds in weight) conveyed partly on the railway of the Company and partly on any other railway the Company shall be deemed to be a Company connected with the Metropolitan District Railway Company and named in the schedule confirmed by the Railway Rates and Charges No. 5 (East London Railway &c.) Order Confirmation Act 1892.

Saving for Postmaster General.

51. Nothing in any agreement made under the authority of this Act shall affect the rights of Her 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 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 making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the Metropolitan District Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Power to pay interest out of capital

52. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith contained it shall be lawful for the Company

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

A.D. 1894.

—
during construction.

- (A.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same;
- (B.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear;
- (C.) The aggregate amount to be so paid for interest shall not exceed twelve thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid;
- (D.) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares;
- (E.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

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

53. 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

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

[Ch. ccxv.] *Ealing and South Harrow Railway* [57 & 58 VICT.]
Act, 1894.

A.D. 1894. — force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as
to general
Railway
Acts.

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

Costs of Act.

55. 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.

SCHEDULE referred to in the foregoing Act.

LANDS HOUSES BUILDINGS or MANUFACTORIES of which portions only
may be required.

Parish or Township.	Number on deposited Plans.
Harrow-on-the-Hill - - -	20 33 36.

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