



CHAPTER 1.

An Act to empower the Southern Railway Company to construct works and acquire lands to extend the time for the completion of certain works and for the compulsory purchase of certain lands to abandon certain authorised works to transfer to the said Company the undertaking of the East London Railway Company and for other purposes. A.D. 1925.
[31st July 1925.]

WHEREAS it is expedient that the Southern Railway Company (in this Act referred to as "the Company") should be empowered to construct the railway widenings of 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 the railway by this Act authorised will form a communication between the esplanade and the railway station of the Company at Ventnor and it is expedient that the said railway should be constructed and worked as a funicular railway or otherwise in accordance with the provisions of this Act :

And whereas it is expedient that the periods now limited for the compulsory purchase of certain lands and for the completion of certain works of the Company should be extended as provided by this Act :

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— And whereas it is expedient that the construction of portions of the widenings of the Chatham line of the Company's railway which were authorised by the London Chatham and Dover Railway Act 1879 should be abandoned as provided by this Act :

And whereas by the East London Railway Act 1865 the East London Railway Company (in this Act referred to as "the East London Company") were incorporated and authorised to construct and work the railways therein mentioned and by divers subsequent Acts further powers were conferred upon the East London Company :

And whereas in pursuance of the East London Railway Act 1882 portions of the railway of the East London Company were leased in perpetuity at an annual rent to the London Brighton and South Coast Railway Company the South Eastern Railway Company the London Chatham and Dover Railway Company (whose undertakings are in pursuance of the Railways Act 1921 now vested in the Company) the Metropolitan Railway Company the Metropolitan District Railway Company and the Great Eastern Railway Company and are managed and controlled by a joint committee of those companies and the East London Company :

And whereas the stocks of the East London Company now consist of the following :—

£172,920 3½ per cent. first debenture stock ;
£544,440 second debenture stock Class A ;
£381,116 second debenture stock Class B ;
£624,994 third debenture stock ;
£575,996 fourth debenture stock ;
£3,240,799 consolidated stock ; and
£250,000 2½ per cent. Whitechapel Extension
debenture stock :

And whereas the railway of the East London Company forms a connection between the railways of the Company at New Cross and the London and North Eastern Railway at Bishopsgate Junction and the joint railway of the Metropolitan and Metropolitan District Railway Companies at St. Mary's Whitechapel and it is expedient that the undertaking of the East London Company should be transferred to and vested in the Company on the terms in this Act mentioned and that

the East London Company should be dissolved as provided by this Act : A.D. 1925.

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 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) :—

1. This Act may be cited for all purposes as the Short title.
Southern Railway Act 1925.

2. In this Act unless there be something in the Interpreta-
subject or context repugnant to such construction the tion.
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 railway " means the railway by this Act authorised;

" The widenings " means the widenings and alterations (Nos. 1 2 and 3) and the widenings (Nos. 4 and 5) by this Act authorised;

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“ Mechanical power ” includes electrical and every other motive power not being animal power;

“ Engine ” includes motor;

“ The East London Company ” means the East London Railway Company; and

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.

Incorporation of general Acts.

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) :—

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 Railways Clauses Consolidation Act 1845;

Part I. (relating to construction of a railway)
Part II. (relating to extension of time) and
Part V. (relating to amalgamation) of the Railways Clauses Act 1863;

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. A.D. 1925.

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 railway and widenings 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) :—

Power to make railway and widenings.

In the county of Kent—

In the urban district of Beckenham—

A widening and alteration (No. 1) (6 furlongs 71 chains in length) of the Company's Kent House and Beckenham Junction railway on the north side thereof commencing at the eastern end of Kent House station and terminating at the west side of the bridge carrying the public road over that railway at Beckenham Junction station;

A widening and alteration (No. 2) (6 furlongs 745 chains in length) of the said railway on the south side thereof commencing at the eastern end of Kent House station and terminating at the west side of the bridge carrying the public road over that railway at Beckenham Junction station;

A widening and alteration (No. 3) (1 furlong 935 chains in length) of the Company's Norwood spur line commencing at a point 150 yards north-east of the bridge carrying that line over Beckenham Road and terminating at the junction of that line with the said Kent House and Beckenham Junction railway:

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In the urban district of Herne Bay and in the parish of Herne in the rural district of Blean—

A widening (No. 4) (2 furlongs 1'20 chains in length) of the Company's Kent Coast line on the south side thereof commencing at a point 83 yards west of Herne Bay station signal box and terminating at a point 163 yards east of the eastern end of the up platform at Herne Bay station :

In the county of the Isle of Wight—

A railway (2 furlongs 3'68 chains in length) in the urban district of Ventnor commencing at a point 32 yards south-west of Ventnor station buildings and terminating at or near the north-east corner of the Beach Hotel ;

A widening (No. 5) (1 mile 5 furlongs 6'40 chains in length) of the Company's Ryde and Ventnor railway commencing in the urban district of Sandown at a point 35 yards south of the southern end of Sandown station and terminating in the urban district of Shanklin at a point 45 yards north of the northern end of Shanklin station.

Rates and charges on widenings.

6. For the purpose of demanding and recovering tolls fares rates and charges and for all other purposes the widenings shall be deemed to form part of the undertaking of the Company.

Special provisions with respect to railway.

7.—(1) The railway shall be constructed on a gauge of not less than four feet.

(2) The railway shall be worked by mechanical power or by such other power as the Minister of Transport may approve and mechanical power shall not be used for working the railway except with the consent of and according to a system approved by the said Minister.

(3) The Company shall lay before the said Minister a plan showing the proposed mode of making laying down maintaining or renewing the railway and a statement of the materials intended to be used (including the machinery or apparatus for working the railway) and the Company shall not commence any works until such plan and statement have been approved by the said

Minister and notwithstanding anything in this Act contained all such works shall be executed in accordance with such plan and statement approved as aforesaid.

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(4) The vehicles used on the railway shall be of such form construction weight and dimensions as the said Minister may approve and no vehicle shall be used on the railway which does not comply with the requirements of the said Minister.

(5) Notwithstanding anything contained in this Act or in any enactment incorporated therewith the Company shall not be compelled to work the railway continuously throughout the year.

(6) The railway may be used for the purposes of conveying passengers animals goods minerals and parcels but the Company shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers' personal luggage not exceeding twenty-eight pounds in weight and mails.

(7) Section 12 of the Railway Regulation Act 1842 and section 76 of the Railways Clauses Consolidation Act 1845 (relating to branch railways) and so much of sections 92 and 98 of the last-mentioned Act as empowers companies and persons to use the railway with engines and carriages shall not apply to the railway.

8. For the purposes of the Railway Companies (Accounts and Returns) Act 1911 and of Part III. and section 77 of the Railways Act 1921 but for no other purpose the railway shall be deemed to be a separate business and an ancillary or subsidiary business carried on by the Company within the meaning of those enactments respectively and save as aforesaid the said Part III. of the Railways Act 1921 shall not apply to the railway Provided that—

Rates and
charges on
railway.

(a) For the conveyance on the railway of passengers including every expense incidental to such conveyance the Company may demand and take for every passenger the sum of sixpence for a single journey in either direction :

(b) Every passenger travelling upon the railway may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof but all such luggage must be carried by

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hand and at the responsibility of the passenger and must not be placed so as to occupy any part of a seat required for a passenger and must not be of a form or description to annoy or inconvenience other passengers :

- (c) For the conveyance on the railway of parcels not exceeding fifty-six pounds in weight the Company may demand and take any rates or charges not exceeding the following (that is to say) :—

For any parcel not exceeding seven pounds in weight fourpence ;

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

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

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight one shilling :

- (d) For the conveyance on the railway of animals goods and minerals passengers' personal luggage exceeding twenty-eight pounds in weight parcels exceeding fifty-six pounds in weight and any other articles and things not hereinbefore in this section specified the Company may demand and take such reasonable charges as may from time to time be approved by the Minister of Transport.

Periodical
revision of
rates on
railway.

9.—(1) If at any time after two years from the opening for public traffic of the railway or after three years from the date of any order made in pursuance of this section in respect of the railway it is represented in writing to the Minister of Transport by the local authority or by the Company that under the circumstances then existing all or any of the rates or other charges demanded and taken in respect of the traffic on the railway should be revised the Minister of Transport may (if he think fit) direct an inquiry and if the person holding such inquiry reports that it has been proved to his satisfaction that all or any of the rates or charges should be revised the Minister may by order in writing alter modify reduce or increase all or any of the rates or

charges to be taken in respect of the railway and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section.

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(2) In respect of the exercise of any powers or duties conferred on the Minister of Transport under this section the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or one of the secretaries of the Board."

10. If the railway is not completed within the period expiring on the first day of October one thousand nine hundred and thirty then on the expiration of that period the powers by this Act granted for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of railway.

11. If the Company fail within the period limited by this Act to complete the railway 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 railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway.

Imposing penalty if railway not opened within period limited.

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.

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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 railway by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalty.

12. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 the 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.

If no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

As to works
within me-
tropolitan
police
district.

13. 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 area of 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.

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14. For the protection of the urban district council of Beckenham (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company and notwithstanding anything contained in this Act or shown on the deposited plans and sections apply and have effect (that is to say):—

For protection of Beckenham Urban District Council.

(1) In constructing the widenings and alterations (Nos. 1 and 2) by this Act authorised or either of such widenings and alterations over Blakeney Road numbered on the deposited plans 34 in the urban district of Beckenham the Company shall reconstruct the existing bridge which now carries their railway over the said road so that the reconstructed bridge shall carry the existing railway and the widening thereof over the said road in the line of the bridge shown on the deposited plans and by a single span of not less than the width of the road and with a clear headway throughout of fifteen feet nine inches at least and if found practicable sixteen feet above the level of the surface of the road:

(2) After the reconstruction of the said bridge if and whenever the council shall deem it reasonably necessary to have the roadway under the bridge lighted during the whole or any part of the period between sunrise and sunset of each or any day the Company shall bear and on demand pay to the council the cost of such lighting which may be reasonably incurred:

(3) Within a period of two months after the completion by the Company of the reconstruction of the said bridge in manner aforesaid and to the reasonable satisfaction of the council the council shall and they are hereby authorised to pay to the Company the sum of three thousand pounds as a contribution towards the cost of such reconstruction:

(4) Concurrently with any reconstruction of Beckenham Junction station on the bridge (in

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this section referred to as "the station bridge") which carries High Street and Southend Road numbered on the deposited plans 66 in the urban district of Beckenham over their existing railway or with any such reconstruction resulting in access to the station being on the station bridge instead of by the existing approaches the Company shall widen the station bridge on the western side thereof so as to carry clear of all obstructions a road fifty feet in width (including the footpaths) and also to carry on the western side thereof and beyond the line of the parapet of the widened bridge a draw-in one hundred feet in length and twenty-five feet in width :

- (5) Concurrently with the construction of the said widening of the station bridge the Company shall widen on the western side thereof the northern and southern approaches to the said bridge so that the same shall be of a width throughout not less than the width of the widened bridge :
- (6) The council shall bear and pay the cost of the paving works (including the paving of the new footway) necessitated by the widening as aforesaid of the roadway on the station bridge (exclusive of the said draw-in) and by the widening as aforesaid of the said northern and southern approaches :
- (7) The council shall also bear and shall pay to the Company within a period of three months after the completion of the work by the Company to the reasonable satisfaction of the council and the ascertainment of the total cost thereof one-half of the total cost of the widening as aforesaid of the said southern approach including any necessary cost of setting back and re-fronting shops and compensation to tenants as settled by agreement or arbitration between the Company and such tenants :
- (8) Save as aforesaid and subject as hereinafter provided the whole cost of the said widening of the station bridge and the road thereover and the said northern and southern approaches shall

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be paid and borne by the Company and the Company shall at their own cost and to the reasonable satisfaction of the council make up and pave and thereafter at all times maintain in good condition and repair the said draw-in and the roadway and footway thereof :

- (9) After completion of the said widenings to their reasonable satisfaction the council shall at their own cost maintain any area of roadway which by reason of the said widenings shall be added to the existing area of fourteen hundred and sixty-six square yards of roadway on the station bridge and the approaches thereto for the maintenance whereof the Company are now and shall continue responsible under the Railways Clauses Consolidation Act 1845 and an agreement made between the council and the Company dated the twenty-fourth day of December one thousand nine hundred and twenty-three The said agreement so far as the same relates to the maintenance of the roadway over the station bridge and the approaches thereto shall continue in operation until the expiration of a period of five years from the first day of January one thousand nine hundred and twenty-six and upon any subsequent revision of the terms of payment for the maintenance of the roadway on the station bridge and the approaches thereto the area of roadway for the maintenance whereof the Company shall be responsible shall be taken to be the said area of fourteen hundred and sixty-six square yards :

- (10) Concurrently with the widening of the station bridge and approaches thereto the Company shall be at liberty to make such openings under the said bridge as may be necessary for continuing the said widenings and alterations (Nos. 1 and 2) thereunder provided that no alteration shall be made in the level of the road surface and the Company in executing the work shall take all such precautions and make all such provisions as may be reasonably required by the council for ensuring both temporarily and permanently the safety and stability of the

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road and shall provide such accommodation beneath the surface of the road as may be reasonably necessary for the pipes, wires and apparatus of the council or of any other statutory undertaker or make such other provisions therefor as may be reasonably required :

- (11) In executing the works referred to in this section affecting the station bridge and the approaches thereto the Company shall observe and comply with such conditions as the council may reasonably prescribe for the purpose of preventing any avoidable interference with vehicular and pedestrian traffic during the progress of the works :
- (12) The Company shall not acquire any greater portion of the property numbered on the deposited plans 30 in the urban district of Beckenham than is reasonably necessary for the construction of the widening and alteration (No. 2) :
- (13) Before executing any works by this Act authorised which may affect any electrical apparatus mains cables or other works of the council the Company shall give at least one month's notice in writing to the electrical engineer of the council and furnish him with plans of the proposed works so far as they are likely to affect such electrical works and if the said electrical engineer reasonably considers that any protective works are required or that it is necessary that any electrical mains cables or other apparatus should be taken up removed or relaid or that any new or substituted mains cables or apparatus should be laid in consequence of the said works of the Company the Company shall on demand repay to the council all expenses reasonably incurred by them in connection with such protective works or such removal alteration relaying provision or substitution of mains cables or other electrical apparatus as aforesaid including the expenses reasonably incurred by the council of superintendence and supervision during the construction of the said works or in watching or

otherwise in consequence or arising out of or in any way in connection with the execution by the Company of the works by this Act authorised:

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- (14) Any difference or dispute which may arise between the council and the Company or their respective engineers under this section shall be determined by an arbitrator 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.

15. Notwithstanding any other provisions of this Act section 22 (Protection of sewers) of the South Eastern Railway Act 1899 shall extend and apply to the works authorised by this Act (so far as those works affect the sewers or works of the West Kent Main Sewerage Board) as if the works authorised by this Act had been authorised by the said South Eastern Railway Act 1899.

For protection of West Kent Main Sewerage Board.

16. 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 any of the said works shown on the deposited sections in accordance with the provisions of the Railways Clauses Consolidation Act 1845:

Power to deviate in construction of works.

Provided that notwithstanding anything contained in the Acts incorporated herewith the Company may deviate vertically from the levels of the railway shown on the deposited section thereof to such extent as may be approved by the Minister of Transport and may alter any inclination or gradient of the railway shown on the deposited section thereof so that no such inclination or gradient thereby increased shall without the consent of the said Minister be steeper than one foot in two feet.

17. 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 railway or the widenings or any of them by a bridge or bridges or the immediate approaches thereto

Repair of roads where level not permanently altered.

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except so far as the level of such road highway or approaches is permanently altered so as to increase the gradient. Provided that nothing in this section shall relieve the Company from any liability which they were under immediately prior to the passing of this Act for the maintenance of the surface of any such highway or approach.

Under-
pinning of
houses near
works.

18. 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 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 :

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(9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

As to
bridges
where rail-
ways are
widened.

19. The Company may make the arches of the bridges for carrying the widenings over any roads of any heights and spans not less than the heights and spans of the bridges carrying the existing railway over such roads respectively and may make the roadway over the bridges by which any roads will be carried over the widenings of such width between the fences thereof as the Company think fit not being less than the width between the fences of the roadway over the bridges by which such roads are respectively carried over the existing railway.

Power to
divert and
stop up
road and
footpath.

20. Subject to the provisions of this Act the Company may in the manner shown upon the deposited plans and sections divert the road and footpath numbered on the deposited plans of the railway 14 and 2 respectively in the urban district of Ventnor and may stop up and cause to be discontinued as a road or footpath so much of the existing road or footpath as will be rendered unnecessary by the new portion of road or footpath so shown on the said plans.

Ministry of
Transport
regulations
with respect
to railway.

21.—(1) The Minister of Transport may make regulations (in this Act referred to as "Ministry of Transport general regulations") for securing to the public and to passengers all reasonable protection against danger arising from the working of the railway and from the use of mechanical power thereon and in particular may by those regulations make provision for all or any of the following purposes (that is to say):—

For regulating the rate of speed to be observed in travelling on the railway;

For regulating the use of any bell whistle or other warning apparatus fixed to the carriages used on the railway;

For regulating the lights which the Company shall fix and maintain on or in such carriages;

For requiring the provision of brakes and other fittings including fenders and lifeguards on such carriages;

For providing that such carriages shall be brought to a stand at any special points or under any special circumstances;

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For regulating the entrance to exit from and accommodation in such carriages and the protection of passengers from any apparatus used for moving drawing or propelling such carriages;

For providing for the due publicity of all Ministry of Transport regulations (whether general or special) and of all byelaws in force in relation to the railway by exhibition of the same in conspicuous places on the carriages and elsewhere.

(2) The Minister of Transport may make regulations (in this Act referred to as "Ministry of Transport special regulations") for regulating the use of mechanical power on or in connection with the railway and in particular shall by those regulations make provision with respect to such matters as are to be prescribed or provided for under the special provisions of this Act as to the use of electrical power as motive power.

(3) If the Minister of Transport is of opinion—

(a) that the Company have made default in complying with the provisions of this Act or of the Ministry of Transport general or special regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(b) that the working of the railway or the use of any mechanical power as authorised under this Act is a danger to the passengers or the public;

he may by order direct the Company to cease either to work the railway or to use such power or he may permit the use thereof to be continued subject to such conditions as he may impose and the Company shall comply with every such order. In every such case the Minister of Transport shall make a special report to Parliament notifying the making of such order.

(4) If the Company use mechanical power on the railway contrary to the provisions of this Act or of the Ministry of Transport general or special regulations or refuse or neglect to comply with any order made under this section they shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof.

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Special provisions as to use of electrical power on railway.

22. The following provisions shall apply to the use of electrical power for working the railway unless such power is entirely contained in and carried along with the carriages (that is to say) :—

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the railway so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Ministry of Transport general and special regulations and in such special regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Ministry of Transport special regulations and in prescribing such means the Minister of

Transport shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the railway :

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- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) Any difference which shall arise between the Company and any other party with respect to anything in this section contained shall unless the parties otherwise agree be referred to arbitration under the Arbitration Act 1889.

23. In the event of the railway being worked by electricity the following provisions shall have effect :—

For protec-
tion of Post-
master-
General.

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work the railway in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the railway to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the railway the Company shall pay the expense of all such

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alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

- (3) Before any electric line is laid down or any act or work for working the railway by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Company as to any requirements so made shall be determined by arbitration:
- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding twenty pounds and to a further fine not exceeding ten pounds for every day during which such contravention or non-compliance continues after conviction thereof or if the telegraphic communication is wilfully interrupted to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which such interruption continues after conviction thereof:
- (5) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster

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of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (7) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (8) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister of Transport on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply to any such arbitration :
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

24. Subject to the provisions of this Act the Company may stop up and cause to be discontinued as a street or road so much of Lennard Road in the urban district of Beckenham in the county of Kent as lies between the Company's Mid-Kent line and an imaginary line drawn across that road in continuation of the western boundary fences of the Company's railway.

Power to stop up portion of road at Beckenham.

25. For the protection of the Metropolitan Water Board (in this section referred to as " the board ") the following provisions shall unless otherwise agreed in

For protection of Metropolitan

A.D. 1925. writing between the board and the Company have effect
(that is to say) :—

Water
Board.

(1) Whenever by reason or in consequence of the stopping up of any street or road or part of any street or road any mains pipes valves hydrants syphons plugs or other works (in this section referred to as " apparatus ") of the board shall be rendered derelict or unnecessary the Company shall forthwith after such stopping up pay to the board such a sum as may be agreed between the board and the Company or as failing such agreement may be determined by arbitration as hereinafter provided to be the value of—

(a) any apparatus of the board situate in and under the street or road or part of street or road so stopped up; and

(b) any apparatus of the board connected with the property of the board and used exclusively for the purpose of the supply of water to any premises to which a supply is furnished by means of the said apparatus :

(2) In addition to the payment referred to in the last preceding subsection of this section the Company shall pay to the board their reasonable charges of and incidental to the cutting off of any such apparatus as is referred to in the said subsection from any other apparatus of the board and of and incidental to any other works or things rendered necessary in consequence of any apparatus of the board being rendered derelict or unnecessary by the stopping up of any such street or road :

(3) In executing the diversion of Rectory Road in the urban district of Beckenham the Company shall if found necessary divert at their own expense into the new road any apparatus of the board laid in the portion of the road to be diverted Provided that in carrying out such diversion the Company shall not remove the existing apparatus until the new apparatus shall have been laid down and connected at each end with the existing mains pipes and

apparatus ready for use and shall not cause any leakage from such existing mains pipes and apparatus or interrupt the supply of water by means thereof for any longer period than shall be actually necessary for the purposes of making the connections :

- (4) Before carrying into effect the provisions contained in the section of this Act whereof the marginal note is " Power to stop up portion of road at Beckenham " the Company shall at their own expense substitute for the existing mains of the board laid in and under such part of Lennard Road in the urban district of Beckenham as may hereafter be crossed by the railway of the Company steel tubes surrounded by concrete of an internal diameter or capacity equal to the existing mains The Company shall at the like expense alter the position of each of the existing valves on the said mains as may be affected by the proposals contained in the said section :
- (5) The Company shall construct the bridge or viaduct for carrying widenings and alterations (Nos. 1 and 2) by this Act authorised over Blakeney Road in the urban district of Beckenham so that the foundations for the abutments and piers thereof shall be carried down to a depth below the surface of the said road to a level not higher than the lowest portion of any adjacent main or mains of the board :
- (6) The Company shall in constructing the extension of the bridge carrying Southend Road and High Street in the urban district of Beckenham for the purposes of carrying thereunder to its east face widenings and alterations (Nos. 1 and 2) by this Act authorised at their own expense provide and thereafter maintain throughout the whole length of the said bridge and the extension of the approaches thereto accommodation for the existing mains of the board and also provide and thereafter maintain throughout the whole length of such bridges and approaches accommodation for a main of an internal diameter not greater than nine

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—

inches which the board may hereafter desire to carry across the same :

The accommodation shall be provided and constructed in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the board. Provided that if within one month after the receipt of any such plans sections and particulars the board shall not have intimated to the Company their disapproval thereof or made any requirements with respect thereto they shall be deemed to have approved the same :

- (7) In the event of the Company interfering with the existing mains of the board they shall if required by the board and to their reasonable satisfaction substitute steel pipes of an internal diameter or capacity equal to the existing mains on and over the extended bridges superstructures and approaches in substitution for the existing mains of the board :
- (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 apparatus of the board is situate the Company shall deliver to the board plans sections and particulars 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 particulars 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 : A.D. 1925.

- (10) The Company shall not construct such works as aforesaid except in strict accordance with the said plans sections and particulars delivered to the board and shall carry out all works in connection with the board's apparatus as may be reasonably 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 fourteen 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 except where such covering is already less than three feet and where after any raising of any street road or footpath there would still be a covering of less than three feet in which excepted cases the Company shall not reduce the existing covering Provided that in any case where the board's apparatus will be situate over any bridge the covering may be less than three feet subject to special protection against frost and injury being provided to the reasonable satisfaction of the engineer of the board :

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- (13) The board may if they deem fit employ 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) 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 :
- (17) The provisions of this section shall except as otherwise expressly provided be in addition to and not in substitution for or derogation of any other provisions of this Act to the benefit of which the board would otherwise be entitled.

Power to
Company to
acquire
lands.

26. 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) :—

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In the county of Surrey—

In the urban district of Merton and Morden—

Lands on both sides of and adjoining the Company's Epsom and Leatherhead line and extending northward from Blue House level crossing for a distance of 230 yards;

Lands on the east side of Mostyn Road between points respectively 116 yards and 210 yards north of its junction with Green Lane;

Lands on the west side of Mostyn Road between points respectively 37 yards and 215 yards north of its junction with Green Lane;

Lands on the north side of Green Lane between points respectively 120 yards and 220 yards west of its junction with Mostyn Road;

Lands on the south side of Green Lane between its junction with Mostyn Road and a point 220 yards west thereof;

Lands on the north-east side of Green Lane between points respectively 55 yards and 185 yards east of its junction with Mostyn Road;

Lands on the south-west side of Green Lane between points respectively 96 yards and 185 yards east of its junction with Mostyn Road.

In the parish of East Horsley in the rural district of Guildford—

Lands on the south-east side of and adjoining the Company's railway and extending between points respectively 216 yards and 385 yards south-west of Effingham Junction station.

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In the county of Kent—

Lands in the urban district of Crayford on the north-east side of and at a distance of 125 yards from the Company's North Kent line and extending from a point north-east of Crayford Creek Junction for a distance of 330 yards in a south-easterly direction;

Lands in the urban district of Broadstairs and St. Peters lying between Lloyd Road and Broadstairs station and on both sides of and adjoining that road and Lawn Road at their junction;

and the Company may round off the corner at the junction of such roads and may alter and stop up and discontinue portions thereof and may stop up the existing entrances at the west end of Lloyd Road to the Broadstairs recreation ground and in lieu thereof may construct entrances from Lawn Road to the said recreation ground 15 yards east of the junction of Lawn Road with Lloyd Road:

Lands in the borough of Dover situate on the east side of Bulwark Street and the premises known as Nos. 49 50 and 51 Bulwark Street and also the southern portion of Archcliff Fort and lands adjacent thereto;

and the Company may stop up and discontinue the portion of Bulwark Street upon which the said Nos. 49 50 and 51 abut.

In the county of the Isle of Wight—

Lands in the urban district of Ventnor situate at the junction of Newport Road and the public footpath and private road leading to the Downs south-west of Ventnor station yard and on the west side of and adjoining the said public footpath and private road;

and the Company may divert the said public footpath and private road to the west side of the said lands.

In the county of Devon—

Lands in the parish of Okehampton Hamlets in the rural district of Okehampton situate on the east side of and adjoining the Company's Exeter and Plymouth railway and their Meldon quarry

and extending from the north end of the said quarry to a point 130 yards south of the south end thereof.

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27. 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-eight.

Period for compulsory purchase of lands.

28. Nothing in this Act contained authorises the Company—

For protection of War Department.

(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.

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

Stopping up roads and footpaths without providing substitute.

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

A.D. 1925. 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.

30. 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.

Further provision as to repair of roads and footpaths.

31. 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. 1925.

32. 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.

33. 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 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 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

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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 :
- (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 there-
upon they shall pay to the owner all costs
charges and expenses reasonably and properly
incurred by him in consequence of such notice : A.D. 1925.

- (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.

34. 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 certain owners to grant easements &c.

35. 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 Power to enter upon property for survey and valuation.

A.D. 1925. — 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.

36. 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.

Compensation in case of recently altered buildings.

37. 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-four 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.

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38. 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) :—

Confirma-
tion of pur-
chase of
lands.

In the county of London—

Lands and premises in the metropolitan borough of Stepney known as Nos. 799 and 801 Commercial Road East :

In the county of Surrey—

Lands in the urban district of Carshalton situate between Gordon Road and the Company's Croydon and Epsom line at Beeches Halt :

In the county of Kent—

Lands in the urban district of Bexley situate on the south side of and adjoining the Company's Dartford loop line opposite Hurst Springs Wood ;

Lands in the urban district of Beckenham situate at the junction of and between the Company's main Chatham line and their Shortlands and Nunhead branch ;

Lands in the urban district of Beckenham west of the Company's Mid-Kent railway and forming the site of part of Lennard Road :

In the county of Sussex—

Lands in the urban district of Littlehampton situate between the Company's Littlehampton branch railway and the river Arun west of the Company's wharf.

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As to private street expenses in certain cases.

39.—(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.

(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.

Extension of time for completion of works.

40. The period now limited by the Southern Railway Act 1923 for the completion of—

- (a) Railways (Nos. 3 4 5 and 6) and widenings (Nos. 2 3 4 and 5) originally authorised by the London Brighton and South Coast Railway Act 1903;
- (b) Railway No. 2 and the graving dock (Work B) sea walls or embankments (Works B 1 and B 2) and channel originally authorised by the South Western Railway Act 1909;

are hereby extended until the first day of October one thousand nine hundred and thirty and the said Acts of 1903 and 1909 shall be read and construed as if the period limited by this section for the completion of the said works had been the period limited by the said Acts for the completion thereof respectively.

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41. The period now limited by the Southern Railway Act 1923 for the compulsory purchase of—

Extension of time for compulsory purchase of lands.

(a) Lands required for the purposes of or in connection with railway (No. 2) originally authorised to be acquired by the South Western Railway Act 1909;

(b) Lands required for the purposes of or in connection with the widening of the railway between Twickenham and Richmond and the additional lands in the parish and urban district of Itchen originally authorised to be acquired by the South Western Railway Act 1913;

(c) Lands required for the purposes of or in connection with widenings (Nos. 3 and 4) and the additional lands in the parish and metropolitan borough of Lambeth originally authorised to be acquired by the London Brighton and South Coast Railway Act 1914;

is hereby extended until the first day of October one thousand nine hundred and twenty-eight but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised.

42. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Southampton (in this section referred to as "the Corporation") shall except so far as may be otherwise agreed in writing between the Company and the corporation under their respective common seals apply and have effect (that is to say):—

For protection of Southampton Corporation.

(1) Railway No. 2 authorised by the South Western Railway Act 1909 (in this section referred to as "the railway") shall be carried over the public road known as Victoria Road numbered on the plans deposited in respect of that Act 8 in the parish and urban district of Itchen by

A.D. 1925.
—

- means of a bridge with a span of not less than thirty feet and with a headway throughout the span of not less than seventeen feet :
- (2) If before or after the construction of the railway a new road is made across the railway or the site thereof in pursuance of an agreement dated the twenty-ninth day of September one thousand nine hundred and twenty-four and made between the Company of the one part and the corporation of the other part the Company shall carry the railway over the road by means of a bridge with a span of not less than forty feet and with a headway throughout the span of not less than seventeen feet :
 - (3) In altering the road known as Newtown Road numbered on the said plans 22 in the parish and urban district of Itchen the Company shall not make the same of any inclination steeper than 1 in 30 on the Newtown or northern side of the railway or steeper than 1 in 25 on the southern side thereof :
 - (4) In the event of any silting or deposit of mud or other material in front of and adjoining the sewage disposal works and other premises on the left bank of the river Itchen and south of the Itchen Ferry belonging to and occupied by the corporation that may be caused by the works of the Company authorised by the said Act of 1909 the Company shall on being called upon to do so take forthwith at their own cost such steps as may be necessary for removing or disposing of the same :
 - (5) All bridges constructed by the Company under the provisions of the said Act of 1909 within the borough for the purpose of carrying any public highways over the 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 :
 - (6) The Company shall not under the powers of the said Act of 1909 break up any street in the borough or raise sink or alter the position of

A.D. 1925.
—

any sewer drain or watercourse or any water or electric mains or pipes of the corporation or any services works or apparatus in connection therewith (all of which are in this section included in the expression "apparatus") 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 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 apparatus shall be effected by the corporation and the expense thereof reasonably incurred by the corporation shall be repaid by the Company :

- (7) The Company in carrying out under the powers of the said Act of 1909 any works in connection with the railway 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 apparatus of the corporation :
- (8) Whenever under the powers of the said Act of 1909 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 :

A.D. 1925.

- (9) If it shall be necessary for the Company under the powers of the said Act of 1909 to construct any works over any apparatus of the corporation provision shall be made to the reasonable satisfaction of the corporation for protecting such apparatus from injury and for affording convenient access thereto for the purpose of examination alteration enlargement renewal or repair :
- (10) If by reason of the carrying out of any works in connection with the railway the corporation shall reasonably incur any cost in altering or removing any apparatus the Company shall repay such cost to the corporation on demand :
- (11) 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 :
- (12) Section 20 (For protection of South Hants Waterworks Company) of the said Act of 1909 shall be read and have effect as if the words " the corporation " had been inserted therein in lieu of the words " the South Hants Waterworks Company so long as that company " :
- (13) Section 25 (For protection of Itchen Urban District Council) of the said Act of 1909 is hereby repealed.

For protec-
tion of
Croydon
Corporation.

43.—(1) Section 16 (For protection of Croydon Corporation) of the London Brighton and South Coast Railway Act 1914 shall be read and have effect—

- (i) as if the words " the Southern Railway Act 1923 and the Southern Railway Act 1925 " were inserted in subsection (9) (a) thereof after the words " under and for the purposes of this Act " and also in subsection (10) thereof after the words " under the powers of this Act " ;
and

(ii) as if the words " within ten years from the passing of the Southern Railway Act 1925 " were inserted in subsection (9) (a) thereof in lieu of the words " within ten years from the passing of this Act. " A.D. 1925.

(2) Section 49 (For protection of Croydon Corporation) of the Southern Railway Act 1923 is hereby repealed.

44. For the protection of the county council of East Sussex (in this section referred to as " the county council ") the following provisions shall unless otherwise agreed between the county council and the Company apply and have effect (that is to say) :— For protection of East Sussex County Council.

(1) Section 32 (For protection of county council of East Sussex) of the London Brighton and South Coast Railway Act 1903 shall be read and have effect as if the word " fifty " had been inserted therein in lieu of the words " thirty-six " and " thirty " respectively :

(2) Before commencing the widening (No. 5) referred to in the said section 32 the Company shall give three months' notice in writing to the county council of their intention so to do and if at any time before the Company commence such widening the county council by notice in writing require the Company to reconstruct either the bridge carrying the existing railway over the road referred to in the said section as " numbered on the deposited plans 5 " or the bridge carrying the roadway referred to in the said section as " numbered on the deposited plans 31 " over the existing railway or both of such bridges to a width of fifty feet between the abutments or the parapets as the case may be the Company shall comply with such requirement and the county council shall after the completion of such reconstruction pay to the Company on demand the cost incurred by them in carrying out such reconstruction.

45.—(1) The Company may abandon the construction of the following widening and portions of widening Abandonment of

A.D. 1925.

—
certain un-
constructed
works.

ings of the Chatham line authorised by the London Chatham and Dover Railway Act 1879 (that is to say) :—

Widening (No. 1);

Widening (No. 2) from its commencement at Penge East station to a point 70 yards south-east of Green Lane Penge and from a point 410 yards east of the eastern end of Kent House station to the termination of the said widening at Beckenham Junction station; and

Widening (No. 3) from its commencement at Beckenham Junction station to Shortlands Junction.

(2) The abandonment by the Company under the authority of this Act of the said 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 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 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 said Act of 1879.

(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 for the purchase of any land for the purposes of or in relation to the said works 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. 1925.

(4) Notwithstanding anything contained in the said Act of 1879 but 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 depositor mentioned or referred to in the said Act of 1879 or the executors or administrators of such depositor or by or on behalf of any other person entitled to the balance of the deposit fund referred to in that Act order that the said balance and the interest or dividends thereon respectively be paid or transferred to the depositor 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 fund and the interest or dividends thereon respectively shall be paid or transferred to such persons or person accordingly.

46. Subject to the provisions of this Act on and from the first day of January one thousand nine hundred and twenty-five the undertaking of the East London Company is hereby transferred to and vested in and shall for all purposes form part of the undertaking of the Company and on the passing of this Act the East London Company shall be dissolved except for the purpose of winding up its affairs. Undertaking of East London Company vested in Company.

47.—(1) The several persons who immediately before the passing of this Act are the registered holders of stock in the capital of the East London Company shall in lieu of and in exchange for the stock held by them respectively become and be registered holders of stock of the Company of the class and in the proportions hereunder mentioned or shall be entitled to be paid a sum in cash in the proportion hereunder specified (that is to say):— Consideration for transfer of East London Company.

Stocks of
East London Company.

Stocks of Company
to be issued or cash
to be paid.

£100 3½ per cent. first debenture
stock.

£87 10s. 4 per cent.
debenture stock.

A.D. 1925.

Stocks of East London Company.	Stocks of Company to be issued or cash to be paid.
£100 second debenture stock Class A.	£100 4 per cent. de- benture stock.
£100 second debenture stock Class B.	£100 4 per cent. de- benture stock.
£100 third debenture stock -	£30 5 per cent. pre- ference stock.
£100 fourth debenture stock -	£12 10s. 5 per cent. preference stock.
£100 consolidated stock - -	£5 10s. cash.
£100 2½ per cent. Whitechapel Extension debenture stock.	£62 10s. 4 per cent. debenture stock.

(2) The Company shall be deemed to have created and issued by virtue of this Act and without further or other authority the amount of four per cent. debenture stock and five per cent. preference stock necessary to give effect to the provisions of this section and the creation and issue of such stocks shall not affect the powers of the Company to create and issue capital (including debenture stock) as they existed at the date of the passing of this Act and the stocks so created and issued shall be deemed to be part of and shall rank *pari passu* with the existing four per cent. debenture stock and five per cent. preference stock of the Company respectively and as regards the four per cent. debenture stock shall carry interest as from the first day of July one thousand nine hundred and twenty-five and as regards the five per cent. preference stock shall bear a dividend as from the first day of January one thousand nine hundred and twenty-five.

Cancellation of
stocks of
East
London
Company.

48. On and from the passing of this Act all stocks at any time issued by the East London Company shall be cancelled and all charges constituted by any such stocks (including any arrears of interest) shall cease and determine.

Payment of
cash.

49. Cash payable under this Act shall be paid by the Company by warrant to the person entitled thereto forthwith after the delivery by such person to the secretary of the Company for cancellation of the certificate of

the stock in respect of which the same is payable and in cases where persons are jointly the holders of stock for which cash is payable the same shall be paid as aforesaid to such persons jointly.

A.D. 1925.

50. The persons who by virtue of this Act become the registered holders of stock of the Company or to whom the amount of cash to which they are entitled under this Act is or has been paid shall (subject to the provisions of this Act) accept and be deemed to have accepted the stock allocated or the cash paid to them under this Act in substitution for the stock of the East London Company held by them and in satisfaction of all claims arising thereunder.

Stock-holders to accept stock of Company or cash.

51. Any holder of stock of the East London Company in respect of which stock of the Company is allocated under this Act who shall deliver to the secretary of the Company the certificate for such stock to be cancelled shall be entitled without payment to receive from the Company in substitution for the certificate so delivered a certificate of the stock to which such holder is entitled under this Act in substitution for the stock of which the certificate is so delivered :

New certificates.

Provided that until such substitution the certificates of stock of the East London Company for which stock of the Company is to be substituted shall (subject to the provision in this Act contained relating to fractional parts of a pound of stock) be deemed to be certificates of the stock of the Company allocated to the holders of such certificates by this Act.

52. If any certificate of any stock of the East London Company in substitution for which stock of the Company is allocated or cash is to be paid 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 or to the person entitled to such cash a warrant for the amount to which he is entitled under this Act in substitution for the stock of which the certificate has been lost or destroyed.

Lost certificates.

A.D. 1925.
—
Fractions.

53. 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 any such stock the Company may at their option either receive and recover from such person such a sum as will at the market value of such stock on the date of the passing of this Act make up an even pound of stock which shall then be issued to him or pay to such person in cash the aforesaid market value of such fractional part.

Trusts
affecting
stocks of
East
London
Company.

54. Stock of the Company substituted by virtue of this Act for any stock of the East London Company and cash paid under this Act to the holders of stock of the East London 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 is substituted or the cash is paid and any reference in any Act of Parliament deed will codicil book document instrument or writing to stock of the East London Company shall be deemed to be a reference to the stock of the Company substituted therefor or the cash paid in respect thereof by virtue of this Act.

Repeal of
certain pro-
visions of
Acts relat-
ing to East
London
Company.

55.—(1) All the provisions of the Acts relating to the East London Company with reference to the incorporation of that company and all unexercised powers of raising money conferred upon that company are hereby repealed.

(2) Section 6 (Application of annual payment) of the East London Railway Whitechapel Junction Act 1884 is hereby repealed.

For protec-
tion of Me-
tropolitan
and Metro-
politan Dis-
trict Rail-
way Com-
panies in
relation to
Whitechapel
Junction
Railway.

56. For the protection of the Metropolitan Railway Company and the Metropolitan District Railway Company the following provisions shall apply and have effect (that is to say) :—

Nothing in this Act contained shall prejudice or affect the rights powers authorities and privileges of the Metropolitan Railway Company and the Metropolitan District Railway Company in respect of the user of the Whitechapel Junction Railway (as that railway is defined by or referred to in the East London Railway Whitechapel

Junction Act 1884) or of the Joint Committee of the City Lines and Extensions of those two companies to maintain and manage the said railway as provided by section 4 (Whitechapel Junction Railway to be worked by the Joint Committee) of the said Act of 1884. A.D. 1925.

57. For the protection of the Metropolitan Railway Company the Metropolitan District Railway Company and the London and North Eastern Railway Company the following provisions shall apply and have effect (that is to say) :—

(1) In this section—

“ The Act of 1882 ” means the East London Railway Act 1882;

“ The Whitechapel Junction Railway ” has the meaning assigned to that expression by the East London Railway Whitechapel Junction Act 1884;

“ The lease ” means the indenture of lease dated the thirtieth day of March one thousand eight hundred and eighty-nine and made between the East London Company of the one part and the London Brighton and South Coast Railway Company the South Eastern Railway Company the London Chatham and Dover Railway Company the Metropolitan Railway Company the Metropolitan District Railway Company and the Great Eastern Railway Company (in this section referred to as “ the said companies ”) of the other part whereby the East London Railway and all stations buildings lands works conveniences and appurtenances held therewith or appertaining thereto and all lands and hereditaments works and conveniences whatsoever of the East London Company exclusive of any surplus lands and of the Whitechapel Junction Railway were demised unto the said companies in perpetuity;

“ The lessees ” means the Company (as successors of the London Brighton and South Coast Railway Company the South Eastern Railway Company and the London Chatham and

For protection of Metropolitan Metropolitan District and London and North Eastern Railway Companies.

A.D. 1925.
—

Dover Railway Company) the Metropolitan Railway Company the Metropolitan District Railway Company and the London and North Eastern Railway Company (as successors of the Great Eastern Railway Company);

“ The East London Joint Committee ” means the joint committee referred to in section 46 (Joint committee to be appointed for management of East London Railway) of the Act of 1882 :

- (2) Notwithstanding anything in this Act contained the lease shall remain in full force and effect and all the rights powers privileges authorities duties obligations and liabilities vested in or conferred or imposed on the lessees or any of them by the lease or by the Act of 1882 or by the awards agreements and arrangements given or made under the lease or the Act of 1882 shall be and shall continue to be enjoyed exercised and performed by the lessees and each and every of them in the same manner and to the same extent and as fully freely and effectually as the same respectively might be or were capable of being enjoyed exercised and performed by the lessees and each and every of them immediately before the transfer of the undertaking of the East London Company to the Company and the mutuality of rights and interests created as between the lessees by the Act of 1882 shall remain and continue as heretofore :
- (3) The right of the East London Company to appoint two representatives to the East London Joint Committee under and in accordance with the provisions of section 46 of the Act of 1882 shall not be transferred to or become vested in the Company and accordingly from and after the passing of this Act the number of persons forming the East London Joint Committee shall be reduced by two :
- (4) Nothing in this Act contained shall prejudice or affect the exercise by the East London Joint Committee of the powers vested in them by the Act of 1882 or any agreement entered into by that Joint Committee.

58. The Company on the one hand and any local authority company body or person on the other hand may enter into and carry into effect contracts and agreements with respect to the lease working management maintenance and repair of the Ryde Pier undertaking transferred to the Company by the Southern Railway Act 1924 or any part of that undertaking.

A.D. 1925.

—
Agreements as to Ryde Pier undertaking.

59. 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 one million pounds 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.

60. 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.

61. 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 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.

New stock subject to same incidents as original capital stock.

62. 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 cancel unissued stock.

63.—(1) 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

Power to borrow.

A.D. 1925, — sums not exceeding in the whole one-half of the amount of the additional capital by this Act authorised and of such sums the Company may borrow from time to time any sum or sums not exceeding in the whole one-half 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 a sum equal to one-half of the stock so issued and accepted has been paid in respect thereof 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 such stock is held by the persons to whom the same was issued or their executors administrators or assigns and that the said sum has been bonâ fide paid in respect thereof 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.

(2) Section 105 (Power to borrow) of the Southern Railway Act 1924 shall be read and have effect as if the words "one-half" had been inserted therein in lieu of the words "one-third."

Appoint-
ment of
receiver.

64. Every provision in any Act or scheme having the force of an Act of Parliament passed prior to the passing of this Act whereby the Company are authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

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

65. 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.

A.D. 1925:

—
Debenture stock.

66. 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.

67. 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.

68. Sections 18 19 and 20 of the Companies Clauses Consolidation Act 1845 shall apply to the debentures and debenture stock the South Eastern Railway (Reading) annuities and the terminable loans of the Company and the holders thereof as fully and effectually as if they were referred to in those sections in addition to shares and shareholders respectively.

Application of certain provisions of Companies Clauses Act 1845.

69. Notwithstanding any law custom or usage to the contrary any form of transfer or power of attorney authorising the transfer of any stock or the South Eastern Railway (Reading) annuities or the terminable loans of the Company shall be deemed to be sufficiently executed by a party thereto being an individual if duly signed by him and attested by two credible witnesses.

Transfers of Company's stock &c. need not be under seal.

70. 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.

71. 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.

A.D. 1925.

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

72. 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.

Provision as
to general
Railway
Acts.

73. Except as otherwise expressly provided nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of 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 Company.

Crown
rights.

74. 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 Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or of the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

75. 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 SCHEDULE referred to in the foregoing
 Act.

A.D. 1925.

PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN
 COMPULSORILY.

Area.	Nos. on deposited Plans.	Description of Property in Book of Reference.
Urban district of Beckenham	2	Garden.
	3	Garden.
	4	Garden.
	5	Garden.
	6	Garden.
	7	Garden.
	8	Garden.
	9	Garden.
	10	Garden.
	11	Garden.
	12	Garden.
	13	Garden.
	14	Garden.
	15	Garden.
	16	Garden.
	17	Garden.
	25	Garden.
	26	Garden.
	33	Garden stables cottage and stream.
	35	Garden and sheds.
36	Garden and sheds.	
37	Garden and sheds.	
38	Garden and sheds.	
39	Garden.	
40	Garden.	
41	Garden glasshouses and sheds.	
42	Garden and glasshouse.	
43	Garden.	
46	Garden greenhouse and garage.	
47	Plantation.	
Urban district of Ventnor -	1	Garden and walks.
	7	Garden and buildings.
	8	Garden and drives.
	10	Gardens drives and greenhouse.

A.D. 1925.

Area.	Nos. on deposited Plans.	Description of Property in Book of Reference.
Urban district of Ventnor— <i>continued.</i>	11	Dwelling-house garden and outhouse.
	20	Garden and drive.
	21	Dwelling-house and garden.
	24	Garden and greenhouse.
	25	Garden.
	26	Garden.
	27	Gardens.
	28	House and shop.

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.

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