CHAPTER clxxxvi.

An Act for authorising the construction of a Railway in the county of Kent to be called the Bexley Heath Railway and for other purposes. [20th August 1883.]

A.D. 1883.

WHEREAS the construction of the Railways and works hereinafter described would be of public and local advantage:

And whereas the persons hereinafter named with others are willing to carry the undertaking into execution and it is expedient that they be incorporated into a Company and that the requisite powers be conferred upon them:

And whereas it is expedient that the Company so to be incorporated (in this Act called the Company) and all companies and persons lawfully using the Railways of the Company be authorised by agreement with the South Eastern Railway Company to run over and use the portions of Railway of that Company hereinafter mentioned:

And whereas it is expedient that the Company and the South Eastern Railway Company be authorised to enter into and carry into effect working and traffic agreements as by this Act provided:

And whereas plans and sections showing the lines and levels of the Railways authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are hereinafter respectively referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be Enacted and be it Enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

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Short title.

1. This Act may be cited as the Bexley Heath Railway Act 1883.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 (as amended by the Companies Clauses Act 1869) the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expressions "the Railway" "the Railways" and "the undertaking" mean respectively the Railways and undertaking by this Act authorised The expressions "parish clerks" and "clerks of the several parishes" in sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or extra-parochial places in which by the Standing Orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or extra-parochial place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Alfred William Bean Frederick St. John Newdigate Barne Charles Beadle Richard Jones John Jackson Robert Kersey and Morgan Yeatman and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the Railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the "Bexley Heath Railway Company" and by that name shall be a body corporate with per-

petual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make Railways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the Railways hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The Railways hereinbefore referred to and authorised by this Act will be wholly situate in the county of Kent and are—

1. A Railway (No. 1) 7 miles 5 furlongs 2 chains and 50 links in length commencing in the parish of Lee by a junction with the South Eastern Railway (Dartford Loop) at a point distant 5 chains or thereabouts measured along that loop line in the direction of Lee Station from the western face of the railway bridge under Horn Park Lane and terminating in the parish of Crayford by a junction with the South Eastern Railway (North Kent Line) at a point distant 28 chains or thereabouts measured along that line in the direction of Dartford from the southern side of Whitehall level crossing;

2. A Railway (No. 2) 2 furlongs 5 chains and 50 links in length wholly in the parish of Crayford commencing by a junction with Railway No. 1 before described at a point distant 80 links or thereabouts to the northward of Howbury Lane and 17 chains from the junction of that lane with the public road leading from Crayford past Manor Farm to North End and terminating by a junction with the South Eastern Railway (North Kent Line) at or near the southern side of Whitehall level crossing;

Provided always that the Company shall not take any part of the common or commonable land called Eltham Green in the parish of Eltham numbered 20 and 21 on the deposited plans.

Capital.

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

Shares not to be issued until one-fifth paid.

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

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Calls.

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

Receipt in case of persons not sui juris.

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

Power to divide shares.

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

Dividend on half-shares.

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

Dividends on preferred shares to be paid out of the profits of the year only.

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

Half-shares to be registered and certificates issued.

13. Forthwith after the creation of any half-shares the same shall be registered by the directors and each half-share shall bear the same number as the number of the entire share certificate in

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

Terms of issue to be stated on certificates.

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

Forfeiture of preferred shares.

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

Preferred shares not to be cancelled or surrendered.

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

Half-shares to be half-shares in capital.

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

Power to borrow.

18. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole fifty-six thousand six hundred pounds but no part thereof shall be borrowed until the whole share capital of one hundred and seventy thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was

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issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

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

Debenture stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First ordinary meeting.

22. The first ordinary meeting of the Company shall be held within eight months after the passing of this Act.

Number of directors.

23. The number of directors shall be eight but the Company may from time to time reduce the number provided that the number be not less than five until the South Eastern Railway Company commence to work and manage the Railway when the number of directors shall not be more than five nor less than three.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

25. The quorum of a meeting of directors shall be five while the number of directors is more than five and when the number of directors is reduced to five or less than five the quorum shall be two.

First directors.

26. Colonel Charles Freville Surtees Alfred William Bean Frederick St. John Newdigate Barne Charles Beadle Richard Jones John Jackson Robert Kersey and Morgan Yeatman shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power hereinbefore contained for varying the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Lands for extraordinary purposes.

27. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed two acres.

Period for compulsory purchase of lands.

28. The powers of the Company for the compulsory purchase of land for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take easements, &c., by agreement.

29. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Bridges under roads in the metropolis.

30. (1) All bridges to be constructed by the Company for carrying any road or street within the metropolis over the Railway shall be constructed so as not to lessen the present clear width of such road or street including the footway or footways and in no case shall any such bridge be of less width between the parapets thereof than forty feet measured on the square and every such bridge shall be so fenced as to prevent as far as may be practicable

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the escape of steam smoke or other offensive effluvia into any such road or street.

Bridges over roads in the metropolis.

(2) Where any bridge or works are constructed under the powers of this Act over any street or road within the metropolis there shall be left a clear headway throughout of not less than sixteen feet above the existing surface of the street or road and a clear span throughout of not less than forty feet measured on the square Provided that such span shall not in any case be less than the clear width of such street or road including the footways where any footways exist and all bridges and works constructed as aforesaid shall be of a reasonably ornamental character and design and shall be made and maintained so as to prevent the dripping of water therefrom on any part of such street or road or footway and so as to deaden so far as is practicable the sound of engines carriages and traffic passing over them and the parapets of such bridges and works shall be carried up to a height sufficient effectually to hide from view of the street or road trains passing over such bridges or works.

Plans, &c. of bridges to be submitted to the Metropolitan Board.

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

Inclination of streets.

31. No street or road within the Metropolis shall be so altered under the powers of this Act that the inclination thereof when altered shall be steeper in any part than one in forty.

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Exhibiting placards.

32. The Company shall not exhibit or permit to be exhibited upon any part of the works authorised by this Act within view of any public street within the Metropolis any placards or advertisements except such as shall have been approved in writing by the clerk to the district board or vestry of the district or parish in which such placard or advertisement is affixed or exhibited and by the clerk or other officer of the Metropolitan Board but this provision shall not prevent the Company from exhibiting on the exterior of any station on their Railway placards giving information to the public as to the traffic of the Company and if any placard or advertisement shall be affixed or exhibited in contravention of this provision such district board or vestry or the Metropolitan Board may remove it by their respective servants or workmen.

For protection of sewers in the metropolis.

33. Where any of the works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Metropolitan Board of Works or of any vestry or district board of works constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any sewers or works to be made or executed by the said boards or vestries or any of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Company shall not commence such works until they shall have given to the said Metropolitan Board or to the district board or vestry as the case may be twenty-one days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such board or vestry respectively shall have signified their approval of the same unless such board or vestry as the case may be do not signify their approval disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said Metropolitan Board and of the respective district board or vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards or vestries respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by reason of the said intended works or any part thereof and shall save harmless the said boards and vestries respectively against all and every the expense to be

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occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the said Metropolitan Board District Board or vestry as the case may be at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said Metropolitan Board or any district board or vestry may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such board or vestry by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Metropolitan Board district board or vestry as the case may be respectively as any sewers or works now or hereafter may be And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said respective boards or vestries or any or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Company to give notice before taking dwellings of labouring classes.

34. The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either in whole or in part by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have in manner required by this section made known their intention to take the same.

Company to provide accommodation for persons of the labouring classes to be displaced.

35. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless the Company and such person or persons otherwise agree) provide sufficient accommodation elsewhere for such person or persons and they may contribute towards the costs or expenses of erecting or providing houses or buildings for such accommodation by any Company body or person Provided always that if any question arises as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may apply for the purposes of this section any moneys they are empowered to raise under the authority of this Act.

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Deposit fund not to be repaid except so far as Railway opened.

36. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of eight thousand four hundred and sixty pounds eighteen shillings and eleven pence three per cent. consolidated bank annuities being five per centum upon the amount of the estimate in respect of the Railway has been paid into the name of Her Majesty's Paymaster-General on account of the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund: Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for completion of the Railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the Railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the Railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the Railway so opened bears to the entire length of the Railway the Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit fund.

37. If the Company do not previously to the expiration of the period limited for the completion of the Railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the Railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property

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conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

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

Tolls for passengers and animals.

39. The Company may demand and take in respect of the use of the Railway any tolls not exceeding the following (that is to say)—

In respect of passengers and animals conveyed on the Railway:

For any person three pence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile;

Class 1.—For any horse mule or other beast of draught or burden four pence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny;

Class 2.—For any ox cow bull or head of neat cattle three pence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny;

Class 3.—For any calf pig sheep lamb or other small animal two pence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one halfpenny;

Tolls for goods.

In respect of goods and minerals conveyed upon the Railway:

Class 4.—For all coals culm cinders cannel ironstone iron ore limestone chalk sand slag and clay (except fireclay) dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton per mile two pence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one halfpenny;

Class 5.—For all coke charcoal pig iron bar iron rod iron hoop iron plates of iron wrought iron heavy iron castings railway chairs slabs billets and rolled iron lime bricks tiles slates salt fireclay and stone copper ore lead ore tin ore antimony and manganese and all other ores minerals and semi-metals per ton per mile three pence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one halfpenny;

Class 6.—For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile four pence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny;

Class 7.—For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton per mile six pence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny;

For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton conveyed on a truck or platform six pence per mile and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

40. The toll which the Company may demand for the use of engines for propelling carriages on the Railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.

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Regulations as to tolls.

41. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say):

Short distances.

For all passengers animals goods or minerals conveyed on the Railway for a less distance than three miles the Company may demand tolls and charges as for three miles;

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals goods and minerals for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile;

Fractional parts of a ton.

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

General weight.

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight;

Weight of stone and timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

Tolls for small parcels and articles of great weight.

42. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say)—

For the carriage of small parcels on the Railway:

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

For any parcel not exceeding fourteen pounds in weight five pence;

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

For any parcel not exceeding fifty-six pounds in weight nine pence;

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

Provided always, that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee

meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages;

For the carriage of single articles of great weight on the Railway:

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons the Company may demand such sum as they think fit not exceeding six pence per ton per mile;

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which with the carriage shall exceed eight tons the Company may demand such sum as they think fit.

Maximum rates for passengers.

43. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the Railway including the tolls for the use of the Railway and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say)—

For every passenger conveyed in a first class carriage the sum of three pence per mile;

For every passenger conveyed in a second class carriage, the sum of two pence per mile;

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

Maximum rates for animals and goods.

44. The maximum rate of charge to be made by the Company for the conveyance of animals goods and minerals (except such small parcels and single articles of great weight as aforesaid) on the Railway including the tolls for the use of the Railway and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier (where any such service is performed by the Company) shall not exceed the following sums (that is to say)—

For every animal in Class 1 four pence per mile;

For every animal in Class 2 three pence per mile;

For every animal in Class 3 one penny per mile;

For everything in Class 4 one penny halfpenny per ton per mile;

For everything in Class 5 two pence per ton per mile;

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For everything in Class 6 three pence per ton per mile;
For everything in Class 7 four pence per ton per mile;
And for every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton conveyed on a truck or platform per mile six pence and if weighing more than one ton one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

Passengers' luggage.

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

Terminal station.

46. No station shall be considered a terminal station in regard to any goods conveyed on the Railway except such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

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

Company may take increased charges by agreement.

48. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Classification table of goods to be open to inspection and copies kept for sale.

49. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the Railway shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be

carried over the Railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the Railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty may be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

User of South Eastern Railway.

50. The Company and all Companies and persons for the time being using or working the Railway of the Company or any part thereof may by agreement with the South Eastern Railway Company run over work and use with their engines carriages and waggons and officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description the portions of railway following (that is to say)—

(A) So much of the North Kent Loop Line of the South Eastern Railway Company as is situated between the junction therewith of Railway (No. 1) by this Act authorised and the Lee station thereon including that station.

(B) So much of the North Kent Line of the South Eastern Railway Company as is situated between the junction therewith of the said Railway (No. 1) and the Erith and Dartford stations thereon including those stations.

Together with all stations booking-offices buildings sidings platforms points signals junctions approaches roads warehouses machinery water water engines engine-sheds standing room for engines works and conveniences connected with such portions of railway and stations and as regards traffic conveyed by them the Company and any such Company and persons as aforesaid may demand tolls and charges upon and in respect of the said portions of railway and stations not exceeding the tolls and charges authorised to be demanded in respect thereof by the South Eastern Railway Company.

Terms of such user.

51. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or any such other Company or persons as aforesaid for and in respect of the use of the South Eastern Railway stations works and conveniences shall be such as are from time to time agreed upon between them and the South Eastern Railway Company or failing such agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the applica-

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tion of any or either of the Companies or persons interested and the cost of the arbitration shall be in his discretion and the decisions of the arbitrator shall be final and binding on all parties.

Power to enter into working and traffic arrangements.

52. The Company on the one hand and the South Eastern Railway Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect and rescind contracts and agreements for and with respect to the following purposes or any of them (that is to say)—

The working use management and maintenance of the Railway or any part thereof;

The supply of rolling stock plant and machinery necessary for the purposes of any agreement for the working or use of the Railway by the South Eastern Railway Company and the employment of officers and servants for the conveyance and conduct of traffic;

The payments to be made and the conditions to be performed with respect to such working use management and maintenance;

The interchange accommodation transmission and conveyance and delivery of traffic coming from or destined for the Railways of the contracting Companies;

The levying fixing division and appropriation of the tolls rates charges receipts and revenues levied taken or arising from that traffic;

The sums or considerations annual or gross and the rents payments allowances and rebates to be paid made or allowed by either of the contracting Companies to the other or others of them for or on account of any of the matters to which the contract or agreement relates.

Tolls on traffic conveyed partly on the Railway and partly on other Railways.

53. During the exercise of the running powers hereinbefore provided for or the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the Railway or any part thereof by any other company or companies the Railway of the Company and of such other company or companies shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the Railway of the Company and partly on the railway of such other company or companies for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals

or goods partly on the Railway of the Company and partly on the railway of such other company or companies.

Saving rights of the Crown.

54. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's Most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give) neither shall anything in the said Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Interest not to be paid on calls paid up.

55. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

56. 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.

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

Costs of Act.

58. All costs, charges, and expenses of and incident to the preparing applying for obtaining and passing of thi s Act or otherwise in relation thereto shall be paid by the Company.

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