CHAPTER lxxx.

An Act to authorise the Bexley Heath Railway Company to extend their railway to Blackheath to abandon a portion of their authorised railway and for other purposes. A.D. 1887.

[5th July 1887.]

WHEREAS the Bexley Heath Railway Company (herein-after called "the Company") was incorporated by the Bexley Heath Railway Act 1883 (herein-after called "the Act of 1883") with power to make the railways in that Act mentioned:

And whereas by the Bexley Heath Railway Act 1886 (herein-after called "the Act of 1886") the Company were authorised to make a new road and sewer in connexion with their authorised railway and to extend the time for the purchase of land and completion of that railway:

And whereas the railway in this Act described would be of public and local advantage and it is expedient that the Company be empowered to construct the same and to abandon a portion of their railway authorised by the Act of 1883:

And whereas it is expedient that the Company be authorised to increase their share and loan capital:

And whereas it is expedient that the Company and any company or persons for the time being working or using the railway of the Company may with the consent of the South-eastern Railway Company run over and use the portion of railway and station herein-after in that behalf 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 other agreements as herein-after provided:

And whereas plans and sections showing the lines and levels of the railway and other works 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

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of Kent and are herein-after 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 (that is to say):—

Short title.

1. This Act may be cited as the Bexley Heath Railway Act 1887.

Incorporation of Acts.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters that is to say:—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested: and

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: and

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (herein-after referred to as the Lands Clauses Acts):

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 expression "the railway" means the railway by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Parish clerks, &c.

4. 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.

Power to make railway.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after 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 railway hereinbefore referred to and authorised by this Act will be situate in the county of Kent and is as follows:—

A railway 1 mile 6 furlongs and 2 chains in length commencing in the parish of Eltham by a junction with Railway No. 1 authorised by the Act of 1883 at a point 1 mile and 20 chains or thereabouts from the commencement of that railway as marked and measured on the plans thereof deposited in November 1882 with the clerk of the peace for the county of Kent at his office at Maidstone and terminating in the parish of Charlton by a junction with the North Kent Railway of the South-eastern Railway Company at a point 14 chains or thereabouts measured along the North Kent Railway in the direction of Woolwich from the eastern end of the down platform of the Blackheath Station on that railway.

Power to Company to raise additional capital.

6. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise any additional capital not exceeding fifty thousand pounds in the whole by the creation and issue of new ordinary shares but the Company shall not issue any share of less nominal value than ten pounds nor shall

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any 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 shall have been paid in respect thereof.

New shares to be subject to the same incidents as other shares.

7. The additional capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now authorised capital of the Company and the new shares were shares in that capital.

Dividends on new shares.

8. The capital in new shares so created shall form part of the capital of the Company and every person who becomes entitled to any such new shares shall in respect of the same be a holder of shares in the capital of the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

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 borrow on mortgage.

10. The Company may in respect of the additional share capital of fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole sixteen thousand six hundred pounds but no part thereof shall be borrowed until shares for the whole of such additional capital of fifty thousand pounds are 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 shares for the whole of such additional capital have 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 the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Priority of principal money secured by existing mortgages.

11. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Appointment of a receiver.

12. Section nineteen of the Act of 1883 and section fifteen of the Act of 1886 relating to the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or any proceedings now pending. 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. 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.

Power to create and issue debenture stock.

13. 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 after the passing of this Act created and issued or granted by the Company under the Act of 1883 the Act of 1886 or this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

14. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act and the Acts of 1883 and 1886 to which capital is properly applicable.

Period for compulsory purchase of lands.

15. The powers by this Act conferred upon the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Power to owners to grant easements.

16. 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 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 rentcharges so far as the same are applicable in this behalf shall extend and

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apply to such grants easements rights and privileges as aforesaid respectively.

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

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

Provided that if the Company require to enter upon take or use any portion of the property numbered on the deposited plans 5 in the parish of Kidbrooke situate at a greater distance than 1 chain measured at right angles from the centre line of railway as shown on the deposited plans the provisions of this section shall cease to apply to such property.

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

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 the railway 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 and 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 and 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 nineteen of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees

of the premises to be underpinned or strengthened shall be sent to the principal office of the Company;

(3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade;

(4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building;

(5) The cost of the reference shall be in the discretion of the referee;

(6) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment;

(7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made within six months from the discovery thereof;

(8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act;

(9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Acts;

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(10) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

For the protection of Sir Henry P. T. Barron Bart.

19. For the protection of Sir Henry Page Turner Barron Baronet his heirs and assigns (herein-after referred to as and included in the expression "the owner") the following provisions shall unless otherwise agreed between the Company and the owner have effect (that is to say):—

1. No part of the garden or curtilage of Well Hall shall be entered upon taken or used by the Company.
2. No spoil banks shall be made by the Company on any land forming part of the estate of the owner.
3. The Company shall construct and maintain a station with all proper and sufficient works and accommodation and access to and from the estate of the owner either on the boundary between the said estate and the adjoining estate of the Earl of St. Germans or within 100 yards on either side of such boundary but no part of the goods portion of the station shall be placed upon any part of the estate of the owner.
4. The Company shall construct and maintain a station for both passengers and goods with all proper and sufficient works and accommodation and access to and from the estate of the owner at the point of junction of the railway authorised by this Act with Railway No. 1 authorised by the Act of 1883 or as near thereto as the levels and other circumstances will permit.
5. No more land forming part of the estate of the owner shall be entered upon taken or used by the Company than absolutely required for the purposes of the railway by this Act authorised and the stations approaches roads and works connected therewith.
6. The owner may at any time hereafter make any roads sewers drains and bridges across the railway by this Act authorised in addition to those to be constructed by the Company and such roads sewers drains and bridges shall be made in all respects to the reasonable satisfaction of the surveyor or engineer for the time being of the Company.

With reference to the estate of Albemarle Cator.

20. With reference to Albemarle Cator his heirs and assigns and all other persons having any estate right or title in or to any of the lands numbered on the deposited plans 18 19 20 21 22 and 23 in the parish of Charlton and 1 2 3 and 4 in the parish of

Kidbrooke (which other persons are herein-after called "the owners") the following provisions shall have effect (that is to say):—

1. The Company shall not enter upon use or interfere with any part of the lands forming part of the estate of the said Albemarle Cator (herein-after called "the estate") except only such part thereof as shall be absolutely indispensable for the purpose of making and maintaining the railway by this Act authorised with two lines of rails in accordance with the provisions of this section.

2. The Company shall extend the tunnel shown on the deposited plans for a distance of 140 yards in the direction of Well Hall and shall construct the same so that the soffit of the arch of the said tunnel shall at no point be at a higher level above the rail level shown on the deposited sections than 20 feet and the Company may raise the structure of the extended portion of the tunnel above the present level of the land where necessary in constructing the same in manner aforesaid.

3. The Company shall not purchase or take permanently any part of the freehold interest in the lands required for the construction of that portion of the railway which is to be constructed in tunnel but the Company may purchase and the said Albemarle Cator shall sell and grant accordingly an easement or right of using such lands for the purpose of the construction and maintenance of the railway and works and the user of the same as a railway but the Company shall not acquire the said Albemarle Cator's interest in to or over the surface of such lands.

4. The price to be paid by the Company to the said Albemarle Cator for the easement acquired as aforesaid for the purpose of constructing the aforesaid extension of the tunnel shall be at the rate of five hundred pounds per acre the width of the land required being measured net between the backs of the tunnel walls and such sum shall include all compensation whether for temporary occupation of the lands through which such extension of tunnel will be constructed or otherwise howsoever but the aforesaid price shall not be quoted in prejudice of nor shall anything in this subsection prejudice any claim for compensation in respect of any other portion of the lands forming part of the estate.

5. The owners shall make no claim against the Company for any damage to or for injuriously affecting the lands numbered 18 19 20 21 22 and 23 in the parish of Charlton and 1 2 3 and 4 in the parish of Kidbrooke except for such actual

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structural damage (if any) to buildings now standing thereon as could be claimed under the general law if this section were not enacted and the Company shall have the further right to construct their tunnel under the lands numbered on the deposited plans 18 21 and 23 in the parish of Charlton without payment to the owners of any compensation for such easement: Provided always that if the Company shall interfere with the surface of such last-mentioned lands or in making their said tunnel shall encroach upon such lands to a greater extent than six feet to be calculated as to each plot from a line drawn parallel to the centre line of the said railway over the land immediately adjoining such last-mentioned lands then the Company shall pay compensation to the owners who shall also be entitled to the benefit of section 92 of the Lands Clauses Consolidation Act 1845.

6. The Company shall not construct any permanent shaft or opening in connexion with the portion of the railway which will be constructed in tunnel.

7. The railway shall be constructed in such manner as not to impede or obstruct in any way except in the case of unavoidable accident the traffic along the roads on the estate or the sewers pipes and drains thereunder but nothing in this subsection shall prejudice any right of the Company to the temporary user of such roads under the Railways Clauses Consolidation Act 1845.

8. The portion of the railway which will be situate on or under the estate and all works matters and things required to be done in connexion therewith shall after commencement be proceeded with and completed with all reasonable despatch.

9. The Company shall restore to its present condition as nearly as may be the surface of the lands over the aforesaid extension of the tunnel and shall turf the same to the reasonable satisfaction of the said Albemarle Cator.

10. The portion of railway which may be constructed in open cutting shall be fenced off from the adjoining lands on each side thereof with a substantial iron open fence and a quick-set hedge which shall be maintained in good condition by the Company.

11. Any difference which may arise between the said Albemarle Cator and the owners or any of them and the Company as to the true intent and meaning of this section or the mode of giving effect thereto shall be determined by an arbitrator to be appointed on the application of either party by the

Board of Trade and the decision of such arbitrator shall be final and the costs shall be in his discretion.

Public communications across railway to be provided for.

21. With respect to communications to be provided across the railway for public use the following provisions shall apply :—

Between the commencement of the railway and the distance as shown on the deposited plans 7 furlongs from the said commencement the Company shall construct two bridges for the purpose of enabling streets or roads to be formed through the same. Each such bridge shall have a clear span of not less than 40 feet throughout measured on the square and shall have a headway of not less than 16 feet clear throughout above the present surface of the ground: Provided that in any case where the level of the railway will permit the headway of the bridge shall be increased to not exceeding 18 feet throughout above the present surface of the ground.

Between the points shown as 7 furlongs and $1\frac{1}{2}$ miles from the commencement of the railway as shown on the said plans the Company shall construct two bridges over the railway with proper approaches thereto having a clear width throughout of not less than 40 feet and the approaches to the said bridges shall be made with inclinations not steeper than 1 in 40 but in any case where the level of the intended road outside the land which the Company acquire under this Act is such as not to admit of an inclination of 1 in 40 the Company may make the inclination of the approach as easy as reasonably practicable not being steeper than 1 in 30.

The communications to be provided across the railway by means of such bridges shall be left open for their full width for the use of the public.

The exact points at which the said communications shall be made and the plan details character and materials thereof if not agreed upon between the Company the Metropolitan Board of Works and the owner of the land upon which they will be respectively made shall be determined by an arbitrator to be appointed for the purpose by the President for the time being of the Institute of Civil Engineers whose decision upon the question shall be final and conclusive and who shall have power to order and direct in what way the costs of and incidental to the reference shall be borne and defrayed.

When any new street or road shall be completed in connexion with any of the communications under or over the railway provided for by this section and taken over by the local authority so much of the communication with which such street or road is connected as is situated within the line of boundary of the Company's property shall be formed drained and metalled by the Company and adopted by the local authority as part of the street or road: Provided that nothing in this section shall be deemed in any way to prejudice or affect any

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question between the Company and the owners of any land affected by the railway as to accommodation works to be provided by the Company.

Exhibition of placards.

22. The Company shall not affix or exhibit or permit to be affixed or 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 or other officer of the Metropolitan Board of Works and if any such placard or advertisement be affixed or exhibited the said Metropolitan Board of Works and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the front of any station placards giving information to the public as to the traffic of the Company.

For protection of sewers in the metropolis.

23. Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any drain sewer watercourse defence or work under the jurisdiction or control of the Metropolitan Board of Works (herein-after in this section called the Metropolitan Board) 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 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 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 herein-before 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 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 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 are 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.

Restriction as to displacing persons belonging to labouring class.

24. The Company shall not under the powers of this Act without the consent of the Secretary of State for the Home Department purchase or acquire in any parish or part of a parish in the Metropolis twenty or more houses which after the passing of this Act or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

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

25. 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 one thousand eight hundred and fifty-six pounds twelve shillings and eightpence Consolidated Three per Cent. Annuities and a sum of two thousand one hundred and thirty-three pounds nineteen shillings and elevenpence like annuities being together five per centum upon the amount of the estimate in respect of the railway has been transferred into the name of the Paymaster General for and on behalf of the Supreme

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Court of Judicature in England in respect of the application to Parliament for this Act (which sums are referred to in this Act as the deposit fund): Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for 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 High Court of Justice in England 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.

26. 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 to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court 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 Court thinks fit to order on the application of the Solicitor to 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 re-transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of railway.

27. 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.

Railway to form part of authorised railway of Company.

28. The railway by this Act authorised shall for the purposes of tolls and charges and for all purposes whatsoever be part of the undertaking of the Company.

Company to abandon portion of Railway No. 1 authorised by Act of 1883.

29. The Company shall abandon the construction of so much of Railway No. 1 authorised by the Act of 1883 as was intended to be situated between the commencement thereof in the parish of Lee and a point in the parish of Eltham one mile and twenty chains or thereabouts from such commencement.

Compensation for damage to land by entry &c., for purpose of railway abandoned.

30. The abandonment by the Company under the authority of this Act of any portion of any railway or 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 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 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 the Act of 1883.

A.D. 1887.

Compensation to be made in respect of portion of railway abandoned.

31. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands 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 Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Release of deposit applicable to portion of railway abandoned.

32. Subject to the provisions of section 37 of the Act of 1883 with respect to compensation to landowners and other persons injured and to the protection of creditors the High Court of Justice may and shall on production of a copy of this Act and on the application of the depositors referred to in the said section order the payment and transfer to them or him of the sum of one thousand three hundred and twenty-six pounds Three per Cent. Consolidated Bank Annuities being the proportion of the sum of eight thousand four hundred and sixty pounds eighteen shillings and elevenpence like annuities deposited with respect to the Act of 1883 applicable to the portion of Railway No. 1 authorised by that Act which is by this Act directed to be abandoned.

Power to use portion of North Kent Railway.

33. The Company and any company or persons for the time being working or using the railway of the Company or any part thereof by agreement with the South-eastern Railway Company and upon such terms as shall be prescribed by any such agreement may from time to time run over and use with their engines carriages and waggons officers and servants for the purposes of traffic of every description the portion of railway next herein-after mentioned (that is to say) :—

So much of the North Kent Railway of the South-eastern Railway Company as is situated between the termination of the railway authorised by this Act in the parish of Charlton and the Blackheath Station including that station :

Together with the use of all roads platforms points signals sidings junctions water watering places water engines engine sheds standing room for engines and carriages booking and other offices buildings works and conveniences connected with the said portion of railway and station : And as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon and in respect

of the said portion of railway and station as are now authorised to be taken upon and in respect thereof.

Terms of such user.

34. 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 such other company or persons as aforesaid for and in respect of the use of such portion of railway and station works and conveniences shall be such as are from time to time agreed upon between them and the South-eastern Railway Company.

Traffic arrangements.

35. The Company on the one hand and the South-eastern Railway Company on the other hand may subject to the provisions of the Railways Clauses Act 1863 as amended by the Regulation of Railways Act 1873 from time to time enter into and carry into effect and rescind such contracts and agreements with respect to the railway authorised by this Act as were sanctioned by section 52 of the Act of 1883 with respect to the railways authorised by that Act.

Tolls on traffic conveyed partly on the railway and partly on South-eastern Railway.

36. During the exercise of any running powers to be agreed upon or the continuance of any agreement to be entered into under the provisions of this Act or the Act of 1883 for the working or use of the railway or any part thereof by the South-eastern Railway Company the railways of the Company and of the South-eastern Railway Company shall for the purpose 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 the South-eastern Railway Company 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 railways of the Company and partly on the railways of the South-eastern Railway Company.

Interest not to be paid on calls paid up.

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

A.D. 1887.

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

38. 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 to 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.

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

Costs of Act.

40. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

Describing houses buildings and manufactories whereof portions only are required to be taken.

Parish.	Nos. on deposited Plans.
Charlton - - -	7, 9, 10, 11, 12, 13, 14, 16.
Kidbrooke - - -	5.

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