CHAPTER cliii.

An Act to authorise the Gravesend Railway Company to extend their railway in Gravesend to make a pier or wharf in connexion therewith and for other purposes. A.D. 1882.

[24th July 1882.]

WHEREAS by the Gravesend Railway Act 1881 (in this Act referred to as "the Act of 1881") the Gravesend Railway Company (herein-after called "the Company") were incorporated and empowered to make a railway from the London Chatham and Dover Railway to the borough of Gravesend and to widen and extend Church Street in Gravesend: 44 & 45 Vict. c. cxliv.

And whereas the construction of a railway and pier or wharf at Gravesend in connexion with the railway authorised by the Act of 1881 would be of public and local advantage and it is expedient that the Company be empowered to execute such works and to raise capital for the purpose:

And whereas it is expedient that the agreement between the Company and the London Chatham and Dover Railway Company (in this Act called "the Chatham Company") contained in the schedule to the Act of 1881 should be cancelled and that the agreement between the same Companies set forth in the Second Schedule to this Act should be substituted therefor and confirmed and that such powers as are herein-after expressed should be conferred on the Company and the Chatham Company and the mayor aldermen and burgesses of the borough of Gravesend:

And whereas plans and sections describing the lines and levels of the railways and pier authorised by this Act and also books of reference to such plans 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 herein-after referred to as the deposited plans sections and books of reference:

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

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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 for all purposes as the Gravesend Railway Act 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 16.

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 nonpayment 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 the borrowed money into capital;
The consolidation of shares into stock;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

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 the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 except the provisions thereof with respect to lifeboats and with respect to keeping a tide and weather guage are (except where expressly varied by this Act) incorporated with and form part of this Act.

26 & 27 Vict. c. 118. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92. 10 & 11 Vict. c. 27.

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 pier" mean respectively the railways and pier or wharf 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. A.D. 1882.

Power to make railways.

4. 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 and pier herein-after described with all proper stations approaches sidings bridges viaducts turntables roads junctions buildings yards sheds shipping and landing places cranes moorings and other 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 and pier herein-before referred to and authorised by this Act are as follows:

1. A Railway (No. 1) 1 furlong 5 chains and 12 yards in length commencing by a junction with the authorised railway of the Company at or near a point distant about 4 miles 4 furlongs and 7 chains from the commencement of that authorised railway in the field numbered 19 on the plans of the Gravesend Railway deposited with the clerk of the peace for the county of Kent at Maidstone in the month of November one thousand eight hundred and eighty and terminating at a point on the bed or foreshore of the River Thames sixty yards or thereabouts measured in a northerly direction from the northern or river face of the wharf numbered 28 on the said deposited plans;
2. A pier commencing at the northern or river face of the said wharf and terminating at the point of termination of Railway No. 1 before described;
3. A Railway (No. 2) 1 furlong 5 chains and 17 yards in length commencing by a junction with the authorised railway of the Company at or near the point of commencement of Railway No. 1 before described and terminating at a point on the western side of Bath Street 20 yards or thereabouts measured in a southerly direction along Bath Street from the corner of Clifton Road;

The said intended railways and pier will be wholly situated in the parish and borough of Gravesend in the county of Kent.

Lateral and vertical deviations.

5. In making the railways and pier the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet save where a greater deviation is necessary for avoiding interference with any street sewer water

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main gas main or other work and then to such an extent as is necessary for avoiding interference therewith Provided always that with respect to so much of the Railway No. 1 and the pier as is intended to be constructed in the River Thames or on the bed shore or banks thereof the Company shall not without the consent in writing of the conservators of the River Thames under the hand of their secretary deviate laterally from the centre lines of the said railway and pier respectively as shown on the deposited plans.

Power to apply existing capital to purposes of Act.

6. The Company may apply to the purposes of this Act any moneys which they have raised or have power to raise under the authority of the Act of 1881 and which may not be required for the purposes to which they are by that Act made specially applicable.

Power to Company to raise additional capital.

7. 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 at their option of new ordinary shares but the Company shall not issue any share of less nominal value than ten pounds nor shall 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 be subject to the same incidents as other shares.

8. 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 of the same class or description and the new shares were shares in that capital.

Dividends on new shares.

9. 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.

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 20 of the Act of 1881 relating to the appointment of a receiver is 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 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.

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Application of moneys.

14. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of the Act of 1881 and this Act only.

Period for compulsory purchase lands.

15. The powers of the Company for the compulsory purchase of lands 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.

16. 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 rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

For protection of Earl of Darnley.

17. The authority to construct the railway and pier herein-after described through over or adjacent to the property of the Right Honourable the Earl of Darnley (herein-after called "the said earl" and in which term is included the Earl of Darnley his heirs and assigns and sequels in estate) shall be subject to the following conditions and restrictions (namely):

(1) The private road belonging to the said earl from West Street and Clifton Road to Marine Parade and the Rope Walk respectively are to be kept open for traffic by the provision of a bridge to be constructed by the Company with a span of not less than the full width of the said roads as at present and a clear headway of fifteen feet the necessary alterations in the levels of such roads being made with the best practicable gradients from West Street and Clifton Road aforesaid to Marine Parade and the Rope Walk aforesaid respectively;

(2) One other roadway and approaches with the best practicable gradients shall be formed by the Company under each of the Railways Nos. 1 and 2 respectively at such point as the said earl shall require not being within ten chains measured along the centre line of the said Railway No. 2 from the point of termination of the said Railway No. 2 at Bath Street as described on the plans desposited for the purposes of this Act for the purpose of affording communication between the lands of the said earl to be severed by the said railways respectively and the bridges for carrying the railway over such roadway shall each have a headway of not less than fifteen feet and a clear span or width of thirty-five feet;

(3) Nothing in this Act contained or in the contracts agreements and arrangements contemplated to be entered into under section 27 of this Act by virtue of the authority thereof shall in any way prejudice take away abridge alter affect or interfere with any right title or interest of the said earl in to or over the foreshore of the River Thames and the said private roads within the limits of this Act except so far as may be necessary for carrying out the works authorised by this Act and the general purposes thereof;

(4) All works which may under the provisions of this section be required to be constructed by the Company shall be constructed at the cost of the Company and to the reasonable satisfaction of the engineer or surveyor for the time being of the said earl subject to the reference to an engineer to be agreed upon or failing agreement to be appointed by the Board of Trade;

(5) The Company shall pay to the said earl all his costs charges and expenses incurred in connexion with this section and the carrying into effect of the works above mentioned or otherwise in any way incident or relating thereto.

Works on Thames to be executed under the direction of conservators.

18. The railway and pier by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall if constructed be executed according to a plan and elevation to be approved by the conservators of the River Thames and deposited at their office and the works in the river shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the conservators and the traffic of the river shall not be interfered with more than may be absolutely necessary in the construction of the railway and pier and the works connected therewith and the Company shall within fourteen days after notice from the conservators so to do remove any materials for temporary works which may have been placed in the river by the Company and on their failing to do so the conservators may remove the same charging the Company with the expense of so doing and the Company shall forthwith repay to the conservators all expenses so incurred.

Company not to interfere with the bed of the river.

19. Nothing in this Act contained shall authorise or empower the Company to embank or encroach upon or interfere with any part of the soil or bed of the River Thames or the shore thereof except according to the plan to be approved by the conservators.

Company not to commence any work on shore of Thames until notice given to conservators

20. The Company shall not make or commence any work on the shore or bed of the River Thames without the consent of the conservators of the River Thames until the expiration of one calendar month after notice to the conservators of the River Thames.

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Company not to take gravel &c. from river without consent of conservators.

21. The Company shall not (except as far as shall be necessary in the construction of the railway and pier and the works connected therewith) take any gravel soil or other material from the bed of the river without the previous consent of the conservators of the River Thames signified in writing under the hand of their secretary.

Lights to be exhibited upon the railway and pier and upon temporary works during its construction.

22. The Company shall hang out and exhibit at or near to the railway and pier by this Act authorised every night from sunset to sunrise lights to be kept burning by and at the expenses of the Company and proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Company in such manner and be of such kind and number and be so placed and used as the conservators of the River Thames by writing under the hand of their secretary shall approve and direct and in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds and further the Company shall exhibit under a like penalty lights to be similarly approved by the conservators upon any temporary works or materials which may be placed on the river by the Company during the making of the railway and pier or works connected therewith.

Saving rights of the conservators of the River Thames.

23. Except as herein expressly provided nothing contained in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the conservators of the River Thames or to prohibit defeat alter or diminish any powers authority or jurisdiction which at the time of passing this Act the said conservators did or might lawfully claim use or exercise.

Company to give notice before taking dwellings of labouring classes.

24. 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 hand-bills 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.

25. 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 else-

where 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.

Railway deposit fund not to be repaid except so far as railway is opened.

26. 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 four hundred and sixteen pounds eleven shillings being five per centum upon the amount of the estimate in respect of the railway (herein-after referred to as "the railway deposit fund") and a sum of seven hundred and sixty-two pounds eight shillings being four per centum on the amount of the estimate of expense of the pier (herein-after referred to as "the pier deposit fund") has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act Be it enacted that notwithstanding anything contained in the said Act the railway deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers 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 railway deposit fund which bears to the whole of the railway deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division shall on the application of the depositors or the majority of them order the portion of the railway 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 railway deposit fund.

27. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same

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and open it for the public conveyance of passengers then and in every such case the railway 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 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 railway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the railway 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 Chancery Division 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 whole of the railway 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 or on any portion thereof shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of deposit in respect of pier.

28. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of Her present Majesty chapter twenty or of the survivors or survivor of them or of the majority of such persons or survivors or of the executors or administrators of the last survivor by petition in a summary way at any time after the passing of this Act the Chancery Division may and shall order that the pier deposit fund or the investments representing the same and the interest and dividends thereon shall be transferred and paid to the persons or

person so applying or to any other person or persons whom they or he may appoint in that behalf. A.D. 1882.

Period for completion of works.

29. If the railways and pier are not completed within four 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 same or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as is then completed.

Railways and pier to form part of Company's undertaking.

30. The railways and pier by this Act authorised shall be part of the undertaking of the Company and the Company may demand and take in respect of the railway and the conveyance of traffic thereon any tolls and charges not exceeding the tolls and charges authorised by the Act of 1881.

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

31. 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 charge (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.

36 & 37 Vict. c. 48.

Limits of pier.

32. The prescribed limits of the pier shall be one hundred feet from every part thereof Provided always that nothing in this Act shall diminish or in anywise affect the rights powers authority or jurisdiction of the harbour master for the time being of the Port of London.

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Tolls for use of pier &c.

33. The Company may demand and take in respect of the use of the pier and of any buildings cranes or other works conveniences and appliances which they may from time to time provide for the comfort and security of passengers and for the safe landing deposit and delivery of goods animals and minerals any sums of money not exceeding the sums specified in the First Schedule to this Act.

Power to appoint pier masters and meters and weighers &c.

34. The Company may from time to time appoint pier masters meters weighers and other officers and servants.

Company may appropriate parts of pier for particular traffic.

35. If and when the Company think fit they may for such time as they think fit or from time to time appropriate and set apart any part or parts of the pier for the purposes of any particular class or classes of traffic and the part or parts of the pier so from time to time appropriated shall be used during that time for the purposes of the particular class or classes of traffic accordingly Provided that no preference shall be shown by the Company to the particular traffic of any corporation body or person over that of any other corporation body or person.

Byelaws.

36. The byelaws which from time to time may be made under this Act by the Company include such byelaws as they think fit for all or any of the following purposes (that is to say):

(A) For preventing any part of the pier and works specially appropriated by them for any particular trade business or purpose being used for any other purpose so as to prevent or interfere with its user for the purpose for which it is so appropriated;

(B) For regulating the times and manner of paying and the places for payment of the rates and charges payable to the Company;

(C) For preventing the exhibiting or placing on the pier of any goods for sale other than such goods as the Company from time to time think fit to be permitted to be sold there;

(D) For preventing persons from playing or loitering about in and upon the pier and works to the obstruction of the business of the Company or to the risk or damage of any of the goods there;

(E) For providing that the portion of the pier upon which goods are usually landed shall be used only for the purposes of the business of the Company.

As to ferry rights of London Tilbury and Southend Railway Company.

37. Whereas the London Tilbury and Southend Railway Company in this section called the "Tilbury Company" have the rights of ferry between Tilbury and Chadwell in the county of Essex and Gravesend and Milton-next-Gravesend in the county of Kent the Tilbury Company shall carry all traffic to or from the pier

by this Act authorised from or to the parishes of Tilbury and Chadwell in the county of Essex at all reasonable hours upon such terms as may be agreed between the Company and the Tilbury Company or in default of agreement settled by arbitration and so long as they carry such traffic they shall have the exclusive right of carrying the traffic between the said pier and the before-mentioned parishes and the Tilbury Company shall have the use of the said pier for landing and embarking goods and passengers at all reasonable hours upon such terms as in default of agreement may be settled by arbitration and the provisions of the Railway Companies Arbitration Act 1859 shall apply to every such arbitration.

22 & 23 Vict. c. 59.

Power to enter into agreements with corporation of Gravesend.

38. The Company may enter into and carry into effect contracts agreements and arrangements with the mayor aldermen and burgesses of the borough of Gravesend for or with respect to the acquisition and appropriation of lands streets foreshore and other property for the purposes of the railways pier and works by this Act authorised.

Substituted agreement with Chatham Company confirmed.

39. The agreement dated the eighth day of February one thousand eight hundred and eighty-two made between the Chatham Company of the one part and the Company of the other part a copy of which is set forth in the Second Schedule to this Act is hereby confirmed and shall be binding and obligatory on the Company and the Chatham Company respectively as if such agreement formed an incorporated part of this Act. The agreement dated the third day of March one thousand eight hundred and eighty-one and made by or on behalf of the Company on the one hand and the Chatham Company on the other hand a copy of which is contained in the schedule to the Act of 1881 is by this Act cancelled and section sixty-two of the Act of 1881 relating to the last-mentioned agreement is hereby repealed.

Power to Chatham Company to appoint directors.

40. The Chatham Company may by writing under their common seal nominate two directors of the Company and they may from time to time in the same way remove any director so appointed and appoint another person in the stead of any director who shall be so removed or shall die resign or become incapable of acting and it shall not be necessary for the directors so to be appointed to hold any shares in the capital of the Company and the said directors shall not go out of office in the manner provided for with respect to directors appointed or to be appointed by the shareholders of the Company but in all other respects they shall have the same powers and be subject to the same regulations and provisions (except as aforesaid) as the other directors of the Company.

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Chatham Company may acquire undertaking of Company.

41. If at any time within three years after the completion and opening of the railway for public traffic the Chatham Company shall apply to Parliament for powers to acquire the undertaking of the Company the Company shall be bound to concur in and support such application and if such powers shall be granted by Parliament the Company shall take and concur in all necessary steps for enabling the Chatham Company to acquire the undertaking and all rights powers and interests connected therewith on payment of the actual cost of the undertaking and that whether or not the same shall exceed the authorised capital of the Company but from such cost there shall for the purposes of such purchase and transfer be deducted the capitalised value at twenty-five years purchase of any rentcharges or other permanent annual payments in respect of land for which the Chatham Company shall become liable in acquiring the undertaking of the Company.

Interest or dividends not to be paid on calls paid up.

42. 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 calls made in respect of the shares held by him but nothing herein contained shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

43. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum of money which by any standing order of either House of Parliament now in force or hereafter to be 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 execute any other work or undertaking.

Provisions as to general Railway Acts.

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

Costs of Act.

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

The FIRST SCHEDULE referred to in the foregoing Act. A.D. 1882.

I.—Rates on Vessels using the Jetty Pier or Landing Place.

		s.	*d.*
For every vessel of the burden of 15 tons or under -	per ton.	0	4
For every vessel of the burden of 15 tons and under 50 tons	,,	0	6
For every vessel of the burden of 50 tons and under 100 tons	,,	0	8
For every vessel of the burden of 100 tons and under 150 tons - - - - - - - -	,,	0	10
For every vessel of the burden of 150 tons and upwards -	,,	1	0
For every vessel which shall remain at such jetty pier or landing-place for a longer period than two days any additional sum not exceeding per ton 4*d.* for each day such vessel shall so remain after the first two days.			
All lighters for each trip - - - - -	per ton	0	2
All boats entirely open landing or taking on board goods -	each	0	6

II.—Rates on Goods Shipped or Unshipped at the Jetty Pier or Landing Place.

Ale beer and porter - - - -	per 55 gallons	0	6
Ale bottled - - - - -	per dozen bottles	0	1
Anchors - - - - - -	- per cwt.	0	9
Anchor stock - - - - -	per foot run	0	2
Bark - - - - - -	- per ton	2	0
Bedding - - - - - -	- per cwt.	0	6
Beef or pork - - - - -	- ,,	0	3
Biscuits or bread - - - - -	- ,,	0	3
Blubber - - - - - -	per 252 gallons	3	0
Bones and bone dust - - - -	- per ton	1	6
Bottles - - - - - -	- per gross	0	9
Bricks - - - - - -	- per 1,000	1	6
Butter and lard - - - - -	- per cwt.	0	6
Cables iron or hempen - - - -	per ton	3	0
Canvas - - - - - -	per cwt.	0	6
Carriages :			
Chaises and other four-wheeled carriages - -	each	7	6
Gigs carts and other two-wheeled carriages - -	,,	5	3
Hand carts and perambulators - - -	,,	1	0
Casks (empty) not being returned packages - -	per cask	0	3

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		s.	d.
Cattle:			
Bulls cows and oxen	each	3	0
Calves	„	1	0
Horses	„	4	0
Pigs	„	0	6
Sheep	„	0	6
Chalk	per ton	1	0
Cheese	per cwt.	0	4
Chimney pots	each	0	3
Clay	per ton	1	0
Cloth haberdashery &c. per package not exceeding	1 cwt.	0	6
Coals	per ton	1	0
Copper or brass	„	3	0
Cordage	per cwt.	0	3
Corks	„	0	6
Crystal in packages	per foot	0	2
Dogs	each	0	6
Drugs (in casks hampers or boxes)	per foot	0	2
Earthenware (in crates)	„	0	1
Eggs	per cwt.	2	6
Fish (dried and salted)	„	0	3
Fish (fresh) not enumerated	„	0	2
Flax	per ton	2	0
Flour and meal	per cwt.	0	4
Furniture (household)	per 5 cubic feet	0	4
Fruit	per bushel	0	4
Glass in packages	per foot	0	2
Grains and seeds	per ton	4	0
Groceries not enumerated	per cwt.	0	6
Guano	per ton	1	0
Gunpowder	per 56 lbs.	0	6
Hams bacon or tongues	per cwt.	0	4
Hardware	per ton	2	6
Hares and rabbits	per dozen	0	4
Hay	per ton	1	6
Hemp	„	2	0
Herrings (fresh)	per 1000	0	3
ditto (cured)	per cwt.	0	3
Hides:			
Ox cow or horse (wet or dry)	each	0	2
Iron:			
Bar bolt rod and shots	per ton	1	6
Pig and old iron	„	1	6
Manufactured	„	2	6
Kelp	per ton	2	0
Lead	„	2	6
Leather (tanned and dressed)	per cwt.	0	4
Lime	per 28 bushels	1	4

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	s.	*d.*	
Limestone - - - - - - per ton	1	0	—
Machinery - - - - - - „	2	6	
Manure (not enumerated) - - - - - „	1	0	
Masts and spars ten inches in diameter and upwards - each	4	6	
ditto under ten inches - - - - „	3	0	
Meat (fresh) - - - - - - per cwt.	0	6	
Milk - - - - - - - per gallon	0	0½	
Musical instruments - - - - per cubic foot	0	1	
Nets - - - - - - per 5 cubic feet	0	4	
Oakum - - - - - - - per cwt.	0	2	
Oils - - - - - - per 252 gallons	2	0	
Oilcake - - - - - - - per ton	2	0	
Oranges and lemons - - - - - per cwt.	0	6	
Ores - - - - - - - per ton	1	0	
Oysters - - - - - - - per bushel	0	3	
Paint - - - - - - - per cwt.	0	4	
Pitch and tar - - - - - - „	0	6	
Potatoes - - - - - - - „	0	2	
Poultry and game - - - - - - per dozen	0	4	
Rags and old rope - - - - - per ton	2	0	
Sails - - - - - - - per cwt.	0	6	
Salt - - - - - - - „	0	1	
Sand - - - - - - - per ton	1	0	
Shrimp baskets - - - - - - each	0	2	
Skins—calf goat sheep lamb or dog - - - per dozen	0	6	
Slates - - - - - - per 24 cubic feet	2	0	
Spirits - - - - - - per 52½ gallons	1	0	
ditto - - - - - per gallon	0	1	
Stones - - - - - - per 16 cubic feet	1	6	
Steel - - - - - - - - per ton	3	0	
Sugar - - - - - - - - per cwt.	0	3	
Tallow soap and candles - - - - - „	0	3	
Tea - - - - - - - per 126 lbs.	1	0	
Tiles - - - - - - - - per 1000	1	6	
Tin and zinc - - - - - - - per ton	3	0	
Tobacco - - - - - - - - per cwt.	0	6	
Turbot - - - - - - - - per score	0	3	
Turnips - - - - - - - - per ton	0	6	
Turpentine and varnish - - - - - per cwt.	0	6	
Turtles - - - - - - - - each	2	6	
Vegetables (not enumerated) - - - - per cwt.	0	4	
Vinegar - - - - - - - per 54 gallons	0	6	
Vitriol - - - - - - - per 5 gallons	0	1	
Wine - - - - - - - per 52½ gallons	1	0	
ditto (bottled) - - - - - per dozen bottles	0	2	
Wood:			
Fir pine and other descriptions not enumerated - per 50 feet	1	6	
Oak or Wainscot - - - - - per 50 feet	2	0	

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		s.	d.
Wood—*continued.*			
Firewood	per 216 cubic feet	1	6
Laths and lathwood	per 216 cubic feet	2	6
Handspikes	per 120	3	0
Oars	per 120	5	0
Spars under 22 feet in length above 2½ and under 4 inches in diameter	per 120	5	0
Ditto 2½ inches in diameter and under	per 120	4	0
Ditto 22 feet in length and upwards and not exceeding 4 inches in diameter	per 120	9	0
Ditto above 4 and under 6 inches in diameter	per 120	14	0
Spokes of wheels not exceeding 2 feet in length	per 120	2	0
Ditto exceeding 2 feet in length	per 120	3	0
Ditto treenails	per 1000	2	6
Ditto wedges	per 1000	2	6
Pipe staves and others in proportion	per 120	2	6
Lignum vitæ fustic logwood mahogany and rosewood	per ton	2	0
Wool	per cwt.	0	4
Yarn	per cwt.	0	2

All other Goods not particularly enumerated in the foregoing Table.

Light goods	per cubic foot	0	1
Heavy goods	per ton	2	0

In charging the rates on goods the gross weight or measurement on all goods to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged.

Rates for use of Cranes Weighing Machines and Sheds.

Cranes.

All goods or packages not exceeding	1 ton	0	4
Exceeding 1 ton and „	2 tons	0	6
„ 2 tons „	3 tons	0	8
„ 3 tons „	4 tons	0	10
„ 4 tons „	5 tons	1	0
„ 5 tons „	6 tons	1	2
„ 6 tons „	7 tons	1	4
„ 7 tons „	8 tons	1	6
„ 8 tons „	9 tons	1	10
„ 9 tons „	10 tons	2	4
„ 10 tons		3	6

Weighing Machine.

For goods weighed for each ton or part of a ton		0	2

Sheds.

	s.	d.
For each 40 cubic feet or for each ton of goods of 20 cwt. which shall remain in the sheds or on other works of the pier for a longer time than 48 hours - - - - - - -	0	3
For each day during which such goods shall remain after the first 48 hours - - - - - - per ton	0	1½
For any portmanteau trunk parcel or other article of passengers luggage for each day or part of a day - - - per package	0	2

Rates of Passengers landing on or Embarking from the Pier.

For every passenger or other person who shall land on the pier from or embark from it on board of any ship vessel packet or passage boat for each and every time - - - - - -	0	6
For every person who shall use the said pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each and every time - - - -	0	2
For every bath or sedan chair taken on the pier for each and every time any sum not exceeding - - - - -	0	6
For every perambulator - - - - - -	0	2
For every master of any vessel or wherry using the said pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - - - -	20	0

Rates on Passengers Luggage Landed or Shipped.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger—

Any weight not exceeding 28 lbs. - - - -	0	2
Over 28 lbs. „ 84 lbs. - - - -	0	4
„ 84 lbs. „ 112 lbs. - - - -	0	5
„ 112 lbs. „ 140 lbs. - - - -	0	6
„ 140 lbs. „ 196 lbs. - - - -	0	7
„ 196 lbs. „ 2 cwt. - - - -	0	8
And for every 20 lbs. weight in addition - - -	0	1

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The SECOND SCHEDULE referred to in the foregoing Act.

An Agreement made the eighth day of February one thousand eight hundred and eighty-two between the London Chatham and Dover Railway Company (herein-after called "the Chatham Company") of the one part and the Gravesend Railway Company (herein-after called the "Gravesend Company") of the other part.

Whereas by the Gravesend Railway Act 1881 (herein-after called "the recited Act") which received the Royal Assent on the eighteenth July one thousand eight hundred and eighty-one the Gravesend Company was incorporated and subject to the provisions of that Act was authorised to make and maintain a certain railway from the London Chatham and Dover Railway to the borough of Gravesend and other works in the said Bill particularly described.

And whereas by the recited Act an agreement scheduled thereto was confirmed such agreement being dated the third day of March one thousand eight hundred and eighty-one and made between the Chatham Company of the one part and Sir Sidney Hedley Waterlow Baronet and other promoters of the Bill for the said recited Act of the other part.

And whereas the Gravesend Company are the promoters of a Bill now pending in Parliament intituled "A Bill to authorise the Gravesend Railway Company to extend their railway in Gravesend to make a pier or wharf in connexion therewith and for other purposes."

And whereas it has been agreed between the parties hereto that the agreement so confirmed by the recited Act shall be cancelled upon the agreement herein-after made coming into effect; therefore in lieu thereof—

It is hereby mutually agreed between the Gravesend Company and the Chatham Company as follows (that is to say):—

1. The Gravesend Company will with all reasonable expedition and at the latest by the time in that behalf by the recited Act or within such further time as may with the consent of the Chatham Company be limited by any Act or Acts of Parliament to be hereafter passed make and complete the railway as thereby authorised in the manner shown upon plans thereof to be signed by the engineers of the Chatham Company and the Gravesend Company respectively and in the event of the said Bill passing into law in the present session the Gravesend Company will also in like manner make and complete within the time to be limited thereby the railway and pier to be thereby authorised such lines of railway to be constructed as double lines of railway with proper junctions signals interlocking apparatus and other works and conveniences at the intended junction with the railway of the Chatham Company and including also all stations station-masters houses fixtures and furniture sheds sidings cranes turntables weighing-machines water-tanks telegraphs and all other necessary and proper works and conveniences and appurtenances and so that the several railways pier and works aforesaid shall by the time or

times so limited or to be limited be approved by the Government inspector of railways and by the engineer for the time being of the Chatham Company. And the Gravesend Company will also pay the expense of maintaining and repairing the railway or railways and pier and the works and conveniences thereof for one year after the completion thereof and the opening of the same for public traffic;

2. Before the opening of the railways or either of them for public traffic the Gravesend Company will to the reasonable satisfaction of the engineer for the time being of the Chatham Company make all such arrangements as shall be proper and sufficient for enabling the Chatham Company on and after the opening of the same for public traffic to work the railways and pier according to this agreement. On the opening of the railways or either of them (with the sanction of the proper officer of the Board of Trade) for public traffic and at all times thereafter the Chatham Company will at their own risk costs and expenses work and (subject to the proviso herein-after contained) maintain renew and uphold in a full and efficient manner and regulate and manage the railway or railways so opened and pier and all stations buildings and works connected therewith and will provide the engines carriages trucks and other rolling stock and plant necessary for such working and shall appoint and employ the officers and servants and will do all other acts needful for working and maintaining the railway or railways and pier as aforesaid and shall so man stock work use maintain and manage the railway or railways as fairly and efficiently to develop the traffic thereof Provided always that the costs of maintaining renewing and upholding the railway or railways pier and works for one year after the opening of the same for public traffic shall be borne as aforesaid by the Gravesend Company;

3. The number of trains fares and rates and all other matters affecting the working shall be fixed by the Chatham Company;

4. So far as from time to time lawfully may be the Chatham Company shall from and after the opening of the railways or either of them and pier for public traffic have exercise and enjoy for the purposes of such maintenance and working by them as aforesaid all the rights powers authorities and privileges whatsoever of the Gravesend Company with respect to the maintenance management use and enjoyment of the railway or railways and pier and the Gravesend Company will at all times during the continuance of this agreement in any case or cases when the Chatham Company cannot lawfully exercise any right or power reasonably required for such purposes as aforesaid themselves exercise and put in force (at the request and at the costs and charges in all things of the Chatham Company) all such rights and powers and do all such acts as may be required for enabling the Chatham Company effectually to exercise such powers and perform the obligations hereby conferred and imposed;

5. The Chatham Company will in the exercise of their rights and privileges under this agreement in all respects duly perform and observe the several provisions with respect to the working of the railway or railways and pier and to the traffic thereon contained in the Act or Acts from time to time in force with respect to the same and will at all times fully and freely indemnify and save harmless the Gravesend Company from and against all penalties forfeitures losses damages costs charges and expenses claims and demands whatsoever in any way occasioned or incurred by or by reason of any act or default of the

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Chatham Company or any of their directors agents officers or servants in relation to the management and working by the Chatham Company of the railway or railways and pier or any part thereof or to any traffic thereon;

6. The Gravesend Company will not during the continuance of this agreement at any time act as carriers on the railway or railways and pier or any part thereof or enter into any contracts or agreements for the carrying of traffic with any Company or person and they will abstain from doing or concurring in anything which might directly or indirectly interrupt impede interfere with or in any manner disturb the exercise or quiet enjoyment by the Chatham Company of the exclusive power of managing maintaining and using the railway or railways and pier and working the whole traffic thereof or of any of the rights powers and privileges intended to be secured to them by this agreement;

7. The Chatham Company will bear and pay the following charges (that is to say):—Locomotive carriage and waggon charges incurred by the Chatham Company in working the traffic law charges railway clearing-house expenses advertising and printing so far as relates to maintenance and working of the line and electric telegraph (the maintenance of the electric telegraph to have reference exclusively to the use of the same for railway purposes) and all rates taxes tithes and other tenants charges maintenance and renewals of way and works and the salaries and wages of all officers servants and workmen employed in or about the railway or railways and works and any rentcharges land tax and landlords property tax and also all expenses of the directors secretary and other officers and agents of the Gravesend Company but not exceeding a sum of five hundred pounds per annum;

8. The Gravesend Company will pay all their capital parliamentary and legal charges and expenses other than those to be borne by the Chatham Company;

9. The sums of capital to be expended from time to time by the Gravesend Company for the purposes of their undertaking shall be subject to the approval of the Chatham Company and for the purposes of this agreement the total of such expenditure shall not exceed one hundred and seventy thousand pounds in respect of the line and works authorised by the recited Act and fifty-five thousand pounds in respect of the works proposed to be authorised by the said depending Bill or a total sum in the aggregate of two hundred and twenty-five thousand pounds and the Chatham Company shall and will in each half year pay to the Gravesend Company such sum or sums of money as may be necessary to pay a dividend at the rate of four pounds per cent. per annum on such capital expenditure Such sum or sums of money to be paid to the Gravesend Company by the Chatham Company within six weeks of the fifteenth day of February and the fifteenth day of August in each half year;

10. Any notice or other writing to be given or transmitted for any of the purposes of this agreement by or on the part of either of the parties hereto to the other of them shall be deemed to be duly given or transmitted if it be signed by the secretary or other agent of the Chatham Company or Gravesend Company as the case may be and be left by the other at their principal office to be delivered personally to the secretary;

11. A standing arbitrator shall in the month of January in each year be appointed under the common seals of the Gravesend Company and the Chatham Company and on failure of either of the parties to make such appointment he

shall be appointed upon the application of either of the Companies by the Board of Trade and every case in which any difference shall arise between the parties hereto touching the true intent or construction of this agreement or touching anything to be done suffered or omitted in pursuance of this agreement or touching any of the incidents or consequences of this agreement or touching any claim or demand relating to any liability damages loss costs or expenses relating to the premises or any clause matter or thing herein contained shall be referred to and determined by such standing arbitrator whose decision shall be final and enforcible accordingly. And every reference to arbitration under this agreement shall be proceeded with under and in conformity with the Common Law Procedure Act 1854;

12. This agreement shall be subject to such alteration as Parliament may think fit to make therein but if any material alteration be made therein either Company may elect to vacate this agreement but in the event of their not doing so and of this agreement being confirmed with or without alteration by Parliament the said recited agreement of the third day of March one thousand eight hundred and eighty-one shall thereupon become ipso facto void and of none effect in the same manner as if it had never been made or confirmed.

In witness whereof the said railway companies respectively have hereunto caused their common seals to be affixed the day and year first above written.

Sealed by order of the board of the London Chatham and Dover Railway Company in the presence of
JOHN MORGAN,
Secretary.

Seal of the London Chatham and Dover Railway Company.

Sealed by order of the board of the Gravesend Railway Company in the presence of
A. G. DICKSON,
Director.

Seal of the Gravesend Railway Company.

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