CHAPTER cxxix.

An Act for conferring further powers on the London Chatham and Dover Railway Company and for other purposes. [18th July 1881.]

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WHEREAS it is expedient that the London Chatham and Dover Railway Company (in this Act called "the Company") should be authorised to construct the railways and works herein-after mentioned:

And whereas it is also expedient that the Company should be enabled to take and hold the lands herein-after mentioned for the general purposes of their undertaking:

And whereas plans and sections of the railways and works herein-after authorised showing the lines and levels thereof and plans showing the said last-mentioned lands and also books of reference thereto respectively 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 clerks of the peace for the several counties within which those railways and works will be constructed and those lands are situated and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and also for the general purposes of their undertaking and also for the purpose of subscribing to the Medway Docks Company:

And whereas the objects of this Act cannot be attained 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

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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 London Chatham and Dover Railway (Further Powers) Act 1881.

Incorporation of general Acts.
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.

2. The Lands Clauses Consolidation Acts 1845 1860 & 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) 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 or inconsistent with such construction and for the purposes of this Act the expression "the railway" shall mean the railways by this Act authorised the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in 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.

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 several railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes. The railways herein-before referred to and authorised by this Act are—

(1.) A railway four furlongs four chains twenty-two links in length situate wholly within the parish of Greenwich in continuation of the Company's branch railway to Blackheath Hill commencing by a junction with that railway at the existing termination thereof at Blackheath Hill and terminating on the south-western side of Stockwell Street.

(2.) A railway two furlongs eight chains one link in length commencing by a junction with the main line of the Company's railway in the parish of River in the county of Kent and terminating in the parish of Buckland by a junction with the Dover and Deal Railway authorised by the Dover and Deal

Railway Act 1874 at a point two hundred and forty-three yards or thereabouts from the centre of the bridge carrying that railway over the turnpike road leading from Canterbury to Dover. 37 & 38 Vict. c. lii.

(3.) A railway five furlongs one chain forty-seven links in length situate wholly within the parish of Minster in the Island of Sheppey in the county of Kent commencing by a junction with the Sittingbourne and Sheerness branch of the London Chatham and Dover Railway and terminating at Sheerness-on-Sea at the southern side of the road leading from Blue Town to Mile Town at or near its junction with Ebenezer Place.

Certain properties not to be taken without consent.

5. Notwithstanding anything in this Act the Company shall not for the purposes of this Act take any part of the properties numbered 67 68 69 and 220 in the parish of Greenwich on the deposited plans without the previous consent in writing of the owner or owners of such properties respectively.

Bridges over railway in the metropolis. 18 & 19 Vict. c. 120.

6. All bridges constructed by the Company for carrying any public road or street within the metropolis as defined by the Metropolis Management Act 1855 over the railway shall be constructed so as not to lessen the present clear width of such road or street including the footway and in no case shall any such bridge be of less width between the parapets thereof than forty feet measured on the square and every such bridge shall be so covered as to prevent as far as may be practicable the escape of steam smoke or other offensive effluvia into the said roads and streets. And the Company shall not execute or commence the erection of any such bridges or works as aforesaid until they shall have given to the Metropolitan Board of Works twenty-one days' notice in writing of their intention to commence the same by leaving such notice at the office of the said Board with plans elevations sections and other necessary particulars of the construction of the said bridges and until the Board shall have signified their approval of the same unless the said Board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivering of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the said Board in the execution and subsequent maintenance of the said bridges and works connected therewith and shall save harmless the said Board against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer or officers of the said Board at the costs charges and expenses in

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all respects of the Company and all costs charges and expenses which the said Board may be put to by reason of the works of the Company whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the said Board by the Company on demand.

Protection of sewers in the metropolis.

7. 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 sewer drain watercourse defence or work under the jurisdiction or control of the Metropolitan Board of Works or of any vestry or district board of works constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any sewers or works to be made or executed by the said boards or vestries or any of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Company shall not commence such works until they shall have given to the said Metropolitan Board or to the district board or vestry as the case may be twenty-one days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such board or vestry respectively shall have signified their approval of the same unless such board or vestry as the case may be do not signify their approval disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said Metropolitan Board and of the respective district board or vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards or vestries respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works 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 of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such board or vestry by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Metropolitan Board district board or vestry as the case may be respectively as any sewers or works now 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.

Prohibiting placards and advertisements.

8. The Company shall not exhibit or permit to be exhibited upon any part of their premises authorised to be taken or constructed under the powers of 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.

Differences between Greenwich District Board and Company to be settled by arbitration.

9. If any difference shall arise between the Greenwich District Board of Works and the Company under this Act such difference shall be referred to an arbitrator to be agreed upon between the Company and the district board or failing agreement to an arbitrator to be appointed by the Board of Trade and the decision of the arbitrator so agreed upon or approved as aforesaid shall be final and conclusive.

Protection of the Greenwich District Board of Works.

10. If and while the Company are possessed under this Act of any lands assessed or liable to be assessed in the parish of Greenwich to any sewer rate lighting rate general rate or other parochial rate they shall from time to time until the railway or the works thereof are completed and assessed or liable to be assessed make good the deficiency in the assessment for such rates by reason of those lands being taken or used for the purposes of the railway or works and the deficiency shall be computed according to the rental at which the lands with any buildings thereon are now or have hitherto been rated.

Company not to take land, &c.

11. Nothing contained in this Act or in any of the Acts incorporated herewith or herein referred to shall authorise the Company

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under the charge of the Commissioners of H.M. Works without consent.

to take use enter upon or in any manner interfere with the county court buildings and premises at Greenwich or any other lands tenements or hereditaments under the charge or management of Her Majesty's Works and Public Buildings without the consent in writing of the said Commissioners or the First Commissioner for the time being first had and obtained which consent the said Commissioners or First Commissioner are and is hereby authorised to give on such terms and subject to such restrictions and conditions as they or he may prescribe.

Power to Company to make a new road at Faversham.

12. 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 relating thereto the new road herein-after described with all proper 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 relating thereto as may be required for that purpose that is to say a road wholly situate in the parish of Faversham commencing at a point forty-three yards or thereabouts measuring in a southerly direction from the existing level crossing over the Company's railway at Preston Street Faversham in the county of Kent and terminating at a point thirty yards or thereabouts measuring in a northerly direction from the same level crossing.

Power to take easements, &c. by agreement.

13. 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.

Power to stop up Wharf Lane and portion of Bone Alley.

14. The Company may stop up and discontinue as a public highway the road known as Wharf Lane in the parish of Maidstone and county of Kent and also so much of the footway known as Bone Alley in the same parish as crosses the Company's land adjoining their Maidstone Station and on the northern side thereof.

Vesting in Company site and soil

15. The site and soil of the roads or portions of roads and footway stopped up and discontinued under the authority of this Act

and the fee simple and inheritance thereof shall if the Company are the owners of the lands on both sides thereof be vested in the Company.

Stopping up of roads

16. The Company may apply to the purposes of this Act any moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to apply corporate funds to purposes of Act.

17. For the purposes of this Act specially authorised and also for the contribution by the Company to the Medway Docks Company and also for the general purposes of their undertaking the Company may from time to time raise additional moneys not exceeding in the whole two hundred and seventy thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):

Power for the Company to raise additional capital.

8 & 9 Vict. c. 16.

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 consolidation of the 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;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and mutatis mutandis sections 33 34 and 35 of the second award of the arbitrators under the London Chatham and Dover Railway (Arbitration) Act 1869 shall extend and apply to the Company and to the additional moneys which they are by this Act authorised to raise.

26 & 27 Vict. c. 118.

32 & 33 Vict. c. cxvi.

Shares not to be issued till one-fifth part thereof shall have been paid.

18. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting

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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 or stock to be subject to the same incidents as other shares or stock.

19. The capital in new shares or stock created by the Company under this Act and the new shares or stock 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 existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on shares or stock.

20. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

New shares issued under this Act and any other Acts of past or present sessions may be of same class.

21. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act and any other Act passed in the present session whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by means of new shares or stock.

Power to borrow.

22. The Company may in respect of the additional capital of two hundred and seventy thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole ninety thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital 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 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 until stock for one half of so much of the said additional capital as is to be raised by

means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares 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.

Appointment of a receiver.

23. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

24. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

25. Subject to the provisions of Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Company may create and issue debenture stock in respect of the sums authorised by this Act to be raised by mortgage.

Application of moneys.

26. All moneys raised under this Act shall be applied for the works specially authorised by this Act for the contribution to the

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Medway Docks Company and for the general purposes of the undertaking of the Company.

Period for compulsory purchase of lands.

27. 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.

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

28. 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 twelve thousand eight hundred and twenty-five pounds being equal to five per centum upon the amount of the estimate in respect of the railway 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 which sum is 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 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 deposit fund which bears to the whole of the deposit fund the same proportion that the length of the railway so opened bears to the entire length of the railway the Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

29. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railway complete and open the same 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 Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid 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. A.D. 1881.

Period for completion of works.

30. If the railway and works hereby authorised are 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 and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Power to acquire additional lands for general purposes of the Company's undertaking.

31. Subject to the provisions of this Act and in addition to the other lands which they are by this Act authorised to acquire the Company may from time to time enter upon take use and appropriate for the general purposes of their undertaking and works connected therewith and for providing increased accommodation all or any of the lands houses and buildings following delineated on the

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deposited plans thereof and described in the deposited books of reference relating thereto respectively (that is to say):

Certain lands in the parishes of Bromley and Chiselhurst in the county of Kent;

Certain lands in the parish of St. Peter in the Isle of Thanet in the county of Kent;

Certain lands in the parish of St. Paul Deptford in the county of Kent and also in the parish of St. Paul Deptford in the county of Surrey;

Certain lands in the parish of Sutton-at-Hone in the county of Kent;

Certain lands in the parish of St. Nicholas Rochester in the county of Kent;

Certain lands in the parish of St. Sepulchre in the city of London.

Provision as to certain lands in the parish of Saint Nicholas Rochester. 44 & 45 Vict. c. cxcv.

32. And whereas by a Bill now pending in Parliament under the short title of the South-eastern Railway Act 1881 the South-eastern Railway Company seek power to acquire the same lands in the parish of Saint Nicholas Rochester in the county of Kent as are described or referred to in the immediately preceding section or some part or parts thereof for the purposes of the railway described in the said Bill as "The Rochester and Chatham Extension:" Therefore be it enacted notwithstanding the power herein conferred upon the Company of acquiring the said lands in the parish of Saint Nicholas Rochester in the county of Kent the South-eastern Railway Company may enter upon take use and appropriate for the purposes of the said railway called the Rochester and Chatham Extension so much of the said lands as shall be necessary for the purpose of that railway but subject always to the provisions contained in the said South-eastern Railway Act 1881 as to the construction of the said railway through the lands belonging to the Company and also through the lands belonging to John Ross Foord and others: Provided that if any difference shall arise between the Company and the South-eastern Railway Company as to the true intent and meaning of this section any such difference shall be determined by arbitration under the Railway Companies Arbitration Act 1859.

22 & 23 Vict. c. 59.

Works affecting River Medway.

33. Provided always that no works shall be executed by the Company upon any portion of the lands in the parish of Saint Nicholas Rochester which may abut upon the River Medway without the license of the mayor aldermen and citizens of the city of Rochester under their common seal and that none of such works be

carried further out into that river than the red line shown on the plan signed by William Mills the engineer of the Company on their behalf and dated the ninth day of March one thousand eight hundred and eighty-one.

Notice to be given of taking houses of labouring classes.

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

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

35. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers who may for the time being be the occupier or occupiers 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) procure sufficient accommodation elsewhere for such person or persons: Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase by agreement such further lands as may be necessary for such purpose and may on such lands erect labouring-class dwellings and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

Extension of time for widening bridge over Denmark Road. 39 & 40 Vict. c. lxxxiv.

36. The period limited by the London Chatham and Dover Railway Act 1876 for widening the bridge carrying the Company's railway over Denmark Road in the parish of St. Giles Camberwell and county of Surrey is hereby extended until the twenty-seventh day of June one thousand eight hundred and eighty-four.

Company not to enter on lands &c. vested in War Office without consent.

37. Nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by Her Majesty's Principal Secretary of State for the War Department for the time being without his previous consent signified in writing under his hand and which consent the said Secretary of State is

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hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Company.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

38. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction: Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Company.

No building to be erected so as to obstruct works for the defence of Sheerness.

39. No house or houses or other erection or building whatsoever shall at any time be erected or built on any land or property of Her Majesty which shall in any manner interfere with or obstruct the works erected or which shall be erected for the defence of the town of Sheerness and adjacent places.

No permanent work to be constructed on Crown lands without consent.

40. It shall not be lawful for the Company to construct any permanent erection or permanent work of any kind whatsoever upon any land belonging to Her Majesty, and no erection or work of a temporary nature shall be erected until after a plan and specification thereof shall have been submitted to the said Secretary of State or his successors, and his approval thereof shall have been signified, in writing, under his or their hand or hands.

Works for the public service may be constructed and existing works removed without compensation to the Company.

41. It shall be lawful for the said Secretary of State and his successors servants and agents from time to time and at all times hereafter as and when they shall see occasion for the public service and without making any compensation to the Company to construct upon any of the said lands any works of defence whatsoever and to add to improve or alter any of the existing works of defence and also upon any such occasion and for the purpose of defence to remove in a summary way and if need be to destroy all or any portion of the railway and works hereby authorised to be constructed without being required or in any manner legally or otherwise made liable to make good the loss or damage to be occasioned by such removal or destruction, or any part thereof, but upon payment of reasonable compensation for the removal or destruction of any

buildings or erections of a temporary nature which may have been erected with the consent in writing of the said Secretary of State under the provisions of this Act.

Company not to construct railway across the Sheerness lines without consent.

42. Nothing in this Act contained shall authorise the Company to construct or carry the said railway across the Sheerness lines of fortification or to enter upon or possess or occupy any land or other property belonging to Her Majesty without the consent in writing of the said Secretary of State first given to the Company for the purpose. And in case such consent shall be given the Company shall hold and occupy the said land and property mentioned therein as tenants only under and at a yearly rent to be fixed by the said Secretary of State and the term estate and interest of the Company therein shall be determinable by the said Secretary of State at any time as and when the public service shall in his opinion require the same unless the said Secretary of State shall by some other writing or deed otherwise grant convey or assure such land and property.

Power to Company and owners of Standard Quay and railway at Faversham Creek to enter into agreements.

43. The Company may make and carry into effect agreements with the owner or owners of the quay known as the Standard Quay and of the lands adjacent thereto all abutting on Faversham Creek in the county of Kent and now traversed by a railway used and worked by the Company with reference to the user by the Company of the said lands quay and railway for the purposes of their undertaking and the Company may levy tolls rates and duties for and in respect of the use of the said railway.

Tolls on railway.

44. The railway and also the said railway at Faversham Creek shall for the purpose of tolls and rates be and be deemed to be part of the main line of the Company between Beckenham and Dover and the Company may in addition to such tolls and rates make a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other services incidental to the business or duty of a carrier where such service is performed by the Company.

Extending provisions of Railways Clauses Acts to lands in Rochester &c.

45. All the provisions of the Railways Clauses Consolidation Act 1845 and of Part I. ("construction of a railway") of the Railways Clauses Act 1863 shall so far as the same are applicable thereto extend to the lands in the parish of St. Nicholas Rochester in the county of Kent which the Company are authorised to acquire by this Act and to the Standard Quay and the lands adjacent thereto abutting on Faversham Creek in the said county with reference to the user of which the Company are by this Act authorised to make and carry into effect arrangements and agreements.

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Power to Company to subscribe to Medway Docks Company.

46. The Company may from time to time subscribe any sum which they think fit towards the undertaking of the Medway Docks Company not exceeding in the whole fifty thousand pounds and the Company may apply in or towards payment of the said subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking and also any moneys which they are by this Act authorised to raise and the Company shall in respect of the sums to be subscribed and the corresponding shares in the Medway Docks Company to be held by them have all the powers rights and privileges (except in regard to voting at general meetings which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always that the Company shall not sell dispose of or transfer any of the shares in the Medway Docks Company for which they may subscribe.

Power to appoint directors of the Medway Docks Company.

47. The Company may by writing under their common seal nominate three directors of the Medway Docks 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 undertaking 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 Medway Docks 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 Medway Docks Company.

Votes of Company at general meetings of Medway Docks Company.

48. The Company whilst shareholders of the Medway Docks Company may by writing under their common seal from time to time appoint some person to attend any meeting of the Medway Docks Company and such person shall have all the privileges and powers attaching to a shareholder of the Medway Docks Company at such meetings and may vote thereat in respect of the capital held by the Company.

Saving rights of Corporation of Rochester.

49. Nothing herein contained shall extend or be construed to extend to take away lessen prejudice alter damage or affect any estate right title or interest of the mayor aldermen and citizens of the city of Rochester of in or to the bed soil banks and shores of the river Medway or of or to all or any arms creeks streams and indraughts thereof or otherwise or of in or to any tolls dues duties rents issues franchises profits powers or authorities customs

immunities rights or privileges of or belonging to the said mayor aldermen and citizens of the city of Rochester other than and except as regards such portions of the bed soil banks and shores of the said river arms creeks streams and indraughts and such rights and privileges as the Company are authorised to purchase or acquire under the provisions of this Act.

Saving rights of the Crown in the foreshore.

50. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Saving rights of Crown under Crown Lands Act. 29 & 30 Vict. c. 62.

51. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty her heirs or successors.

Interest not to be paid on calls paid up.

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

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

53. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for an Act authorising them to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

54. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better or 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

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revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Expenses of Act

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

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