CHAPTER cc.

An Act to vest the Shortlands and Nunhead Railway in the London Chatham and Dover Railway Company to empower that Company to acquire additional Lands and for other purposes. [7th August 1896.]

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WHEREAS by the Shortlands and Nunhead Railway Act 1889 (herein-after called "the recited Act") the Shortlands and Nunhead Railway Company (herein-after called "the Shortlands Company") was incorporated with a share capital of three hundred and twenty thousand pounds in sixteen thousand shares of twenty pounds each and power to borrow one hundred and six thousand pounds on mortgage for the purpose of making and maintaining a railway (herein-after called "the Shortlands Railway") commencing by a junction with the main line of the London Chatham and Dover Railway near Shortlands Station on that railway and terminating by a junction with the Blackheath and Greenwich Branch of the London Chatham and Dover Railway near the Nunhead Junction Station:

And whereas it was by the recited Act provided (section 20) that the said share capital of three hundred and twenty thousand pounds should be issued as and should consist of the following classes (that is to say):—

"A" capital - Two hundred and twenty thousand pounds

and

"B" capital - One hundred thousand pounds:

And whereas the whole of the said "A" capital and fifty-three thousand six hundred and twenty pounds of the said "B" capital have been issued and raised and the sum of one hundred and two thousand three hundred and ten pounds has been raised on mortgage:

And whereas by the recited Act (section 56) the Shortlands Company and the London Chatham and Dover Railway Company

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were authorised to enter into and carry into effect or rescind agreements with respect to the working use management and maintenance of the railway and works of the Shortlands Company:

And whereas by an agreement scheduled to and confirmed by the recited Act made between the promoters of the Bill for that Act and the Chatham Company dated the thirteenth day of March in the year one thousand eight hundred and eighty-nine provision was made for the working use management and maintenance of the railway of the Shortlands Company from and after the opening of the same for public traffic as if it were an integral part of the Chatham Company's system of railways and it was also provided that the Chatham Company should have the sole and exclusive right uncontrolled by the Shortlands Company of fixing the tolls fares rates and charges in respect of the railway and the traffic thereon and should have the free and uncontrolled management of the said railway and traffic subject to the provisions of the said agreement in the same manner as if they were the absolute owners of the railway:

And whereas the railway of the Shortlands Company has since the same was completed and opened for public traffic been worked by the Chatham Company:

And whereas it was by the said agreement among other things provided that the gross amount of all the tolls fares rates and charges rents and any other amounts from time to time received in respect of the railway and of the traffic thereon should be applied in the manner following (that is to say):—

Fifty-two and a half per centum thereof should be retained by the Chatham Company as payment for the maintenance management repair user and working of the railway as aforesaid and in consideration of the due performance by them of all their obligations under the said agreement and the remaining forty-seven and a half per centum should belong to the Shortlands Company and be applied as follows:—

(1) In payment of any interest from time to time due upon any loan capital of the Shortlands Company which with the previous consent of the Chatham Company under their common seal might be raised for the purposes of the undertaking;

(2) In payment of a dividend at the rate of three pounds ten shillings per centum per annum upon the "A" capital of the Shortlands Company not exceeding two hundred and twenty thousand pounds;

(3) In payment of the two hundred and fifty pounds per annum for charges of administration of the Shortlands

Company mentioned in the said agreement and any other administration charges not otherwise provided for;

(4) In payment of interest at the rate of four pounds per centum per annum upon any outlay made by the Chatham Company on additional sidings or works or conveniences under the provisions of clause 6 of the said agreement;

(5) In payment of the balance if any then remaining to the Shortlands Company:

And whereas by the said agreement it was also provided that if and whenever after the opening of the said railway for public traffic the gross amount of the tolls fares rates and charges received by the Chatham Company in respect to the working of the Shortlands Railway should in any year or years after payment of—

(1) The fifty-two and a half per centum of the said gross receipts to the Chatham Company;

(2) The interest on the loan capital of the Shortlands Company;

(3) The two hundred and fifty pounds per annum for charges of administration;

(4) Any payments due to the Chatham Company under clause 6 of the said agreement;

be insufficient to pay a dividend at the rate of three pounds ten shillings per centum on the "A" capital of the Shortlands Company as aforesaid then the Chatham Company should pay to the Shortlands Company such a sum of money as might (together with so much of the gross amount of the tolls fares rates and charges aforesaid as might be applicable thereto) be necessary to make up the said dividend it being the intention of the parties thereto that the said "A" capital as aforesaid should under all circumstances receive a dividend at the rate of three pounds ten shillings per centum per annum But any payments so made by the Chatham Company in excess of the forty-seven and a half per centum of the gross receipts apportioned to the Shortlands Company should be cumulative as against the gross receipts so apportioned as aforesaid of subsequent years until discharged thereout but should not bear interest against the Shortlands Company:

And whereas by the said agreement it was also provided that the "B" shares should be issued by the Shortlands Company subject to the right of the Chatham Company to redeem the same at par if they should elect to do so at any time during three years next after the opening of the line for public traffic:

And whereas the Chatham Company in the course of the year one thousand eight hundred and ninety-one within the time limited by the said agreement gave notice to the Shortlands Company of their

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intention to redeem the said "B" shares at par and the said shares were created and issued subject to the condition that they might be so redeemed:

And whereas it is expedient and it has been agreed that the Shortlands Company should be dissolved and that the undertaking of that company with all the rights powers and privileges relating thereto now vested in the Shortlands Company should be transferred to and vested in the Chatham Company and be merged in and become part of the undertaking of that Company subject to the conditions in this Act provided:

And whereas it is expedient that the Company should be authorised to acquire the additional lands in this Act described:

And whereas it is expedient that the time limited by the London Chatham and Dover Railway Act 1894 for the completion of the widenings of the Company's railway authorised by the London Chatham and Dover Railway Act 1879 and described in section 4 of that Act should be extended:

And whereas it is also expedient that the time limited by the London Chatham and Dover Railway Act 1892 for the completion of the widening of the bridge carrying the Company's railway over Gibbon Road at Nunhead and described in section 12 of that Act should be extended:

And whereas plans of the lands houses and other property required or which may be taken under the powers of this Act with books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands houses and other property were duly deposited with the respective clerks of the peace for the counties of Kent and of London and are herein-after respectively referred to as the deposited plans and books of reference:

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

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

Short title.

1. This Act may be cited as the London Chatham and Dover Railway (Further Powers) Act 1896.

Incorporation of Acts.

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

The distribution of the capital of the Company into shares;
The transfer or transmission of shares;
The payment of subscriptions and the means of enforcing the payment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of borrowed money into capital;
The consolidation of 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 as amended by the Companies Clauses Act 1869 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 subject to the provisions of this Act extend and apply to the Company and to the additional capital which they are by this Act authorised to raise The Lands Clauses Acts and Part II. (relating to extension of time) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the Company" or "the Chatham Company" means the London Chatham and Dover Railway Company:

The expression "the Shortlands Company" means the Shortlands and Nunhead Railway Company:

The expression "the recited Act" means the Shortlands and Nunhead Railway Act 1889:

The expression "the Shortlands Railway" means the undertaking of the Shortlands Company authorised by the recited Act and all the lands and property of every description acquired for the purposes of that undertaking and all the powers authorities privileges exemptions rights and interests of the Shortlands

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Company whether with relation to their own undertaking or in or in relation to any other company or undertaking held by or vested in the Shortlands Company:

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 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.

VESTING OF SHORTLANDS RAILWAY IN CHATHAM COMPANY.

Vesting the undertaking of the Shortlands Company in the Chatham Company.

4. On and after the first day of September one thousand eight hundred and ninety-six (herein-after referred to as "the date of vesting") and subject to the provisions herein-after expressed the undertaking of the Shortlands Company shall be and the same is by virtue of this Act transferred to and vested in the Chatham Company subject to all obligations debts contracts and liabilities affecting the same or the Shortlands Company and shall thenceforth subject to the provisions of this Act form an integral part of the undertaking of the Chatham Company and at and from that date all the powers rights privileges easements and authorities now vested in belonging to or conferred upon the Shortlands Company by the recited Act or otherwise and all lands acquired by that company for the purposes of the said undertaking and all powers with respect to the taking of lands and the execution of works the levying and recovery of tolls rates and charges and all other the rights powers privileges easements and authorities then belonging to or which may be claimed or exercised by the Shortlands Company shall be and the same are hereby vested in and may be exercised by the Chatham Company and as on and from that date the Shortlands Company is hereby dissolved except for the purpose of winding up their affairs.

Power to create and issue shares or stock and to borrow for the purchase of the Shortlands undertaking.

5. For the purposes of this Act in so far as relates to the transfer hereby authorised of the Shortlands Railway the Company at or prior to the date of vesting shall and they are hereby authorised to create and issue shares or stock (to be called London Chatham and Dover (Shortlands Railway) guaranteed shares or stock as the case may require) bearing interest at the rate of three pounds ten shillings per centum per annum (which shares or stock shall take

precedence of the arbitration preference stock of the Company) to the amount of two hundred and eighty thousand pounds and they shall and are hereby authorised to grant mortgages of their undertaking or to create and issue debenture stock bearing interest at a rate not exceeding three pounds ten shillings per centum per annum to the aggregate nominal amount of one hundred and two thousand three hundred and ten pounds. A.D. 1896.

How price to be appropriated.

6. The said respective amounts of two hundred and eighty thousand pounds of the London Chatham and Dover (Shortlands Railway) guaranteed shares or stock and one hundred and two thousand three hundred and ten pounds of mortgages or debenture stock or the money raised thereby as the case may be shall be appropriated and applied as follows (that is to say) :—

(1) A nominal amount of the said guaranteed shares or stock bearing interest as from the first day of September in the year one thousand eight hundred and ninety-six equal to the nominal amount of the "A" shares held by the holders of the existing "A" shares of the Shortlands Company shall on that date be registered in the books of the Company in the name of each of such holders in lieu of and in substitution for the shares so held by him and certificates for the said guaranteed shares or stock so registered in his name shall on that date be delivered to each of such holders of "A" shares and the holders of such shares shall accept the same in substitution for the "A" shares held by them respectively and in satisfaction of all claims in respect thereof and the certificates of the said "A" shares shall thereupon be delivered to the Company and be cancelled :

(2) The sums to be raised by the Company by the creation and issue of the remainder being sixty thousand pounds of the said guaranteed shares or stock shall be applied (1) in redeeming at par on or before the said first day of September one thousand eight hundred and ninety-six the "B" shares of the Shortlands Company amounting as aforesaid to the sum of fifty-three thousand six hundred and twenty pounds and (2) in paying off and discharging any debts or liabilities of the Shortlands Company existing at the date of vesting :

(3) Mortgages to the amount of one hundred and two thousand three hundred and ten pounds and respectively bearing interest for the same terms and at the same rate but not exceeding three pounds ten shillings per centum per annum as the existing mortgages of the Shortlands Company shall on the said first day of September one thousand eight hundred and

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ninety-six be issued by the Company to the holders of the said existing mortgages respectively in exchange for like amounts of the said existing mortgages and upon the expiration of the said terms respectively the Company shall be entitled to pay off the mortgages so issued by them and to grant mortgages or to create and issue debenture stock equal to the amount so paid off at such rate of interest not exceeding the rate of three pounds ten shillings per centum per annum as the Company shall see fit and the existing mortgages of the Shortlands Company shall in exchange for the mortgages or debenture stock so issued by the Company as the case may require be delivered up to the Company by the holders thereof respectively and shall thereupon be cancelled.

Provision in case of "A" shares lost or destroyed.

7. If the certificate of any of the said "A" shares in the capital of the Shortlands Company be lost or destroyed then upon proof thereof and upon an indemnity being given against any claim in respect of such lost certificate to the satisfaction of the directors of the Chatham Company they shall deliver to the person entitled to such certificate a certificate for London Chatham and Dover (Shortlands Railway) guaranteed shares or stock to which he would be entitled under this Act as if such first-mentioned certificate had been delivered by him to the Chatham Company.

Books of Shortlands Company to be evidence.

8. The several persons who at the date of vesting appear in the books of the Shortlands Company to be holders of shares in the capital of that company or their respective executors administrators or assigns shall respectively be deemed to be holders of such shares for the purpose of receiving London Chatham and Dover (Shortlands Railway) guaranteed shares or stock or cash in redemption of their said shares as the case may be under the provisions of this Act.

Shortlands Railway guaranteed shares or stock to be held on same trusts as Shortlands Company's shares.

9. The London Chatham and Dover (Shortlands Railway) guaranteed shares or stock substituted in pursuance of this Act for the "A" shares of the Shortlands Company and the mortgages of the Company exchanged for the existing mortgages of the Shortlands Company shall be held on the same trusts and subject to the same powers provisions charges and liabilities as those on and to which the shares or mortgages as the case may be for which the same are respectively substituted were held and so as to give effect to and not to defeat any deed or other instrument or any testamentary or other disposition disposing of or affecting or purporting to dispose of or affect such shares or mortgages and every such deed instrument or disposition shall take effect with reference to a proportionate part of the substituted stock or mortgages.

Winding-up and dissolution of Shortlands Company.

10. On and after the date of vesting the affairs of the Shortlands Company shall be wound up and the directors of that company shall have full powers for that purpose.

All minute books books of accounts vouchers instruments and books relating to the undertaking of the Shortlands Company at the date of vesting and also all deeds muniments of title maps awards agreements and other documents relating to the lands of the Shortlands Company and in their possession or power shall be delivered to the Company when and so soon as the shares stock and mortgages to be substituted and exchanged for the "A" shares and existing mortgages of the Shortlands Company have been so substituted and exchanged and the "B" shares of that company have been redeemed.

Shortlands Railway to form part of railways of Chatham Company.

11. The Shortlands Railway shall from and after the date of vesting for all purposes including the levying of tolls fares rates and charges be deemed to be part of the railways of the Chatham Company Provided that in the case of the Shortlands Railway the Chatham Company shall not demand or take any tolls rates fares or charges exceeding those which might be demanded and taken under and by virtue of the recited Act Provided also that when traffic is carried over the Shortlands Railway to and from places beyond the junction of that railway with the main line of railway the Chatham Company shall charge in respect of such traffic the same tolls rates and charges as they are for the time being authorised to charge and are actually charging in respect of such traffic carried over their main line.

For protection of the Postmaster-General.

12. Nothing in this Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Shortlands Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Shortlands Company is transferred to and vested in the Company or amalgamated with the undertaking thereof as freely and fully in all respects as he was entitled to do before the passing of this Act.

For appointment of a receiver.

13. 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

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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 and the holders of debenture stock of the Company may enforce payment of interest due on their debenture stock 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.

ADDITIONAL LANDS.

Power to Company to acquire lands for general purposes.

14. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate for the purposes of their undertaking and for providing increased accommodation all or any of the lands herein-after mentioned delineated on the deposited plans and described in the deposited books of reference (that is to say) :—

Certain lands roads sidings and buildings in the parish of St. Giles Camberwell in the county of London adjoining and situate between the west side of the Camberwell New Road Station of the Company and Denmark Road and Macdowall Road :

Certain lands roads sidings and buildings in the parish of St. Paul Deptford in the county of London adjoining and lying on the north side of the railway of the Company between the Nunhead and Brockley Lane Stations of the Company :

Certain lands in the parish of Bromley in the county of Kent adjoining and situate on the south side of the railway of the Company and abutting on the goods yard of the Bromley Station of the Company :

Certain lands in the parish of Sevenoaks in the county of Kent adjoining and situate on the south side of the goods yard of the Company at the Sevenoaks Bat and Ball Station of the Company :

Certain lands in the parish of Faversham and county of Kent adjoining and situate on the east side of the Faversham Creek Branch Railway of the Company :

Certain lands and houses in the parish of Preston in the county of Kent adjoining and situate on the north and south sides of the Faversham Station of the Company and on the east side of Preston Street:

Certain lands houses and buildings in the parish of Herne in the county of Kent adjoining and situate on the north side of the railway of the Company between the Herne Bay Station of the Company and Badcock Farm:

Certain lands in the parish of St. Peter Intra in the county of Kent adjoining and situate on the east side of the railway of the Company between Broadstairs and the north end of the Ramsgate tunnel and south of the bridge crossing the railway between Broadstairs and Bromstone;

Certain lands in the parish of St. John the Baptist Margate in the county of Kent adjoining and situate on the north and south sides of the railway of the Company and eastward of the Margate Station of the Company and abutting on the road leading to the coastguard station:

But nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Buildings not to be brought beyond general line &c.

15. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway in the county of London or without the consent of the London County Council to erect or maintain any building beyond the general line of building in any street in that county.

Any buildings erected on any land acquired under this Act in the said county (except such buildings or parts of buildings as may be used for the purposes of a station) shall be subject to the provisions of the Acts relating to buildings in the metropolis.

Exhibition of placards.

16. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any lands which they are by this Act authorised to acquire within view of any public street within the county of London any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the council and if any placard or advertisement be affixed or exhibited without such approval the council and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on any part of the said lands placards giving information to the public as to the traffic or business of the Company.

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EXTENSIONS OF TIME.

Extension of time for completion of widenings of Company's railway authorised by Act of 1879.

17. The time limited by the London Chatham and Dover Railway Act 1894 for the completion of the widenings of the Company's railway authorised by section 4 of the London Chatham and Dover Railway Act 1879 is hereby extended for three years from the twenty-seventh day of May one thousand eight hundred and ninety-seven.

Extension of time for widening bridge carrying Company's railway over Gibbon Road authorised by Act of 1892.

18. The time limited by the London Chatham and Dover Railway Act 1892 for the completion of the widening of the bridge carrying the Company's railway over Gibbon Road at Nunhead authorised by section 12 of that Act is hereby extended for three years from the twentieth day of June one thousand eight hundred and ninety-seven.

Restriction on taking houses of labouring class.

19. The Company shall not under the powers of this Act or under the powers of any former Act extended by this Act purchase or acquire in any parish in the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or in any other city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were or have been since that day or shall be hereafter occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary of State for the Home Department or the Local Government Board as the case may be ten or more houses which were not so occupied on the respective fifteenth day of December aforesaid but have been or shall be subsequently so occupied.

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

Company may apply their funds to the purposes of this Act.

20. The Company may apply for the purposes of this Act to which capital is properly applicable any of the moneys which they are already authorised or which they may be authorised by any Act passed during the present session of Parliament to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Interest not to be paid on calls paid up.

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

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

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

Provision as to general Railway Acts.

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

24. 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.

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