CHAPTER clxxx.

An Act for making Railways in the County of Kent, to be called "The Loose Valley Railway"; and for other purposes. [2d August 1877.]

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WHEREAS the making of the railways herein-after described would be of public and local advantage:

And whereas the persons in this Act named, with others, are willing at their own expense to carry the undertaking into execution on being incorporated into a company for the purpose:

And whereas it is expedient that the Company incorporated by this Act (herein-after called the "Company") and any company or persons for the time being working or using the railways of the Company, or any part or parts thereof, should be authorised to run over, work, and use the portion of railway and station herein-after in that behalf mentioned:

And whereas it is expedient that the Company on the one hand, and the South-eastern Railway Company (herein-after called the South-eastern Company) on the other hand, should be empowered to enter into and carry into effect working and other agreements as herein-after provided:

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

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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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 Loose Valley Railway Act, 1877."

Incorporation of certain provisions of general Acts.

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

Interpretation of terms.

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" means the Company incorporated by this Act; the expressions "the railway," "the railways," and the "undertaking" mean respectively the railways and the undertaking 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.

Company incorporated.

4. James Jackson, George Bond, William Page, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Loose Valley Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways herein-after described,

with all proper bridges, stations, sidings, approaches, junctions, roads, yards, 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 herein-before referred to and authorised by this Act are wholly situate in the county of Kent, and are—

A railway (No. 1), three furlongs and 2·5 chains in length, wholly in the parish of Maidstone, commencing at a point about 20 yards from the left bank of the River Medway and about 180 yards south-east of the Maidstone Bridge over that river, and terminating in a field to the east of the Ropery occupied by James Clifford at a point about 25 yards north of the Ordnance Bench Mark 17·3 on the towing path of the River Medway:

A railway (No. 2), nine chains in length, wholly in the said parish of Maidstone, commencing by a junction with the Maidstone Branch of the South-eastern Railway, and terminating by a junction with the Railway No. 1 by this Act authorised at or near the point of termination thereof:

A railway (No. 3), one mile and four chains in length, commencing in the said parish of Maidstone by a junction with the Railway No. 1 by this Act authorised at the point of termination thereof, and terminating in the parish of Loose in or near the property numbered 18 on the deposited plans.

Capital.

6. The capital of the Company shall be thirty-six thousand pounds, in three thousand six hundred shares of ten pounds each.

Shares not to be issued until one fifth paid.

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

Calls.

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

Receipt in case of persons not sui juris.

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

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Power to divide shares.

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

Dividends on half-shares.

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

Dividend on preferred shares paid out of the profits of the year only.

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

Half-shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that

such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

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

Forfeiture of preferred shares.

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

Preferred shares not to be cancelled or surrendered.

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

Half shares to be half shares in capital.

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

Power to borrow.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twelve thousand pounds, but no part thereof shall be borrowed until the whole capital of thirty-six thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of

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the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a receiver.

19. The mortgagees of the 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 one thousand pounds in the whole.

Debenture stock.

20. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First ordinary meeting and quorum.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the quorum for general meetings, whether ordinary or extraordinary, shall be five shareholders holding together not less than two thousand five hundred pounds in the capital of the Company.

Number of directors.

23. The number of directors shall be three.

Qualification of directors.

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

Quorum.

25. The quorum of a meeting of directors shall be two.

First directors.

26. James Jackson, George Bond, and William Page shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from

Election of directors.

office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

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

Powers for compulsory purchases limited.

28. 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.

Saving the rights of the proprietors of the River Medway navigation.

29. Nothing in this Act contained shall take away, diminish, alter, lessen, or in any manner affect any of the rights, privileges, powers, or authorities of the Company of Proprietors of the Navigation of the River Medway (in this Act called the "Navigation Company"), or authorise or empower the Company to alter the line or level of the said navigation, or of the towing-paths or track-paths or footpaths thereto, or of any or either of them, or any part thereof, or in any manner to obstruct or impede the said navigation, or any part thereof, or to divert, interrupt, cut off, take, or use, or diminish any of the watercourses or land drains into the said navigation, or to interfere with or injure any of the works of the said navigation, otherwise than is herein-after expressly provided for; and it shall not be lawful for the Company to make any deviation from the course or direction of the railway as delineated and described in the maps, plan, or sections deposited with the clerk of the peace for the county of Kent, by which deviation the said navigation, or any of the locks, side ponds, towing-paths, bridges, weirs, banks, wharfs, or feeders, or any other works of or belonging to the Navigation Company, or any part thereof, shall be taken, or damaged, or interfered with without the consent of the Navigation Company under their common seal for that purpose first had and obtained.

Regulating the bridge over the Medway navigation.

30. At the point at which the railway shall be carried over the River Medway the Company shall and they are hereby required at their own cost and expense to make, and at all times for ever thereafter to maintain and keep in perfect repair, a good and substantial bridge over the said navigation, with a towing-path under the same of the level of the present towing-path or track-path, and the said bridge shall be made with one arch or span only, and shall be so constructed as to include a towing-path on the same side of the

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river as the existing towing-path, of at least eight feet width and a corresponding width on the opposite side, and that such arch shall be at least eight feet above the level of the present towing-path where the said bridge is to be erected, and that the lower side of every part of the said arch or span, where the same shall be above the waterway of the said river, shall be of the height of at least thirteen feet six inches above the level of the water of the said river at spring tides, and the abutment walls or piles of the said bridge shall be carried to such a depth and so constructed as to allow of the future improving of the said navigation; and the Company shall and they are hereby required, during the progress of constructing the said bridge over the said River Medway, and of the necessary repairs and renewals thereof, to leave an open and uninterrupted navigable waterway in the said navigation of not less than twenty feet in width and not less than six feet for the said towing-path, and also a clear height sufficient for laden barges to pass along.

Regulation as to the towing-path under the bridge.

31. The Company shall and they are hereby required, at their own expense, to wharf those parts of the banks of the said river on the towing-path side thereof which will be underneath the said bridge, and for ever thereafter, at their own expense, to keep the same so wharfed and in perfect repair, and the said bridge and works shall be constructed and maintained, and the said towing-path underneath the same shall be so wharfed and kept in repair, to the reasonable satisfaction of the engineer or surveyor for the time being of the Navigation Company.

Company to construct culverts, &c.

32. The Company shall and they are hereby required from time to time at their own expense to make such arches, tunnels, culverts, drains, or other passages over or under or by the side of the railway, and the fences at the sides thereof respectively, of such breadth, depth, and dimensions as shall be sufficient at all times to convey the flood and land waters as clearly and readily from the River Medway, and also from the lands adjoining or lying near to the said navigation, as before making the railway, without obstructing or impounding the same waters to the prejudice of the said navigation or of any of the said lands, and all such arches, tunnels, culverts, watercourses, drains, and other passages shall from time to time be supported, maintained, and cleansed, and kept in good and sufficient repair by the Company; and if at any time, after ten days notice in writing shall be given by or on behalf of the Navigation Company to the Company, that the said arches, tunnels, culverts, drains, watercourses, or other passages, or any of them, are not made, or being made are not cleansed, maintained, and

repaired according to the true intent of this Act, they, the Company, shall not proceed to make or cleanse, maintain, and repair (as the case may be) such arches, tunnels, drains, watercourses, or other passages, it shall be lawful for the Navigation Company, or any person acting by their authority, to apply for an order in writing to any two or more justices of the peace for the said county of Kent from time to time as often as there shall be occasion, and the said justices are hereby empowered to make and grant such orders as aforesaid enabling such Navigation Company to make, cleanse, or repair such arches, tunnels, culverts, watercourses, drains, and other passages accordingly, and the reasonable expense thereof, to be ascertained by such justices, shall be defrayed by the Company within five days after demand thereof.

Penalty for obstruction of the Medway navigation.

33. If by reason or in execution of any of the works by this Act authorised or required to be made, or by reason of the bad state of repair of any such works, or if by any act or omission of the Company, or any of their servants, agents, or workmen, the said River Medway, or the towing-paths or track-paths thereof, shall be obstructed so that boats, barges, or other vessels navigating or using the river cannot pass, or shall be impeded in the passage along the same, or in case the space under the said bridge where the railway crosses the said river shall be at any time contracted so as to be less in width or height than is herein-before prescribed, then and in any of the said cases the Company shall pay to the Navigation Company, as or by way of ascertained damages, the sum of two pounds for every hour during which the said obstruction shall continue on the said navigation: Provided always, that if such obstruction shall continue beyond seventy-two consecutive hours, or shall have been occasioned by any wilful act on the part of the persons in the employ of the Company, then and in every such case the Company shall pay to the Navigation Company the sum of five pounds for every hour during which such obstruction shall continue as or by way of ascertained damages, and in default of payment of such respective sums, or such a proportion thereof as shall become due on demand made of the secretary or any officer of the Company, the said Navigation Company may sue for and recover the same, together with full costs of suit against the Company, and in case any soil, dirt, or rubbish shall in the construction of any of the works of the Company fall into the said river, or in case the said bridge where the railway crosses the said River Medway, or the approaches, sides, slopes, or banks of the railway next to the said river, or any of them, or any part thereof respectively, shall not be kept in good and substantial repair, and if the Company shall not,

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within seven days after notice in writing of such want of repair given to their secretary by the clerk, agent, or engineer of the Navigation Company, proceed to remove from the said river the said soil, dirt, or rubbish, or to make and complete with all reasonable despatch the repairs so required, or in case of any pressing emergency, then it shall be lawful for the Navigation Company to remove from the said river the said dirt, soil, and rubbish, or to do the needful repairs, as the case may be, and to recover the amount of the expenses from the Company; provided also, that nothing in this Act contained shall extend to prevent the Navigation Company from recovering against the Company any special damage that may be sustained by them on account of the costs and defaults of the Company, or in respect of which penalties are by this Act imposed beyond the amount of such penalty or penalties, and they are hereby authorised to sue for and recover such special damages accordingly, but in every case where the penalty or penalties herein-before imposed shall have been paid by the Company to the Navigation Company, and any action for special damages shall be brought as above mentioned, then the penalty or penalties so paid shall be deemed and considered as payments on account of the said special damages, and credit shall be given by the Court before whom such action shall be tried for any sum or sums of money so paid by the Company, and the same shall be deducted from the amount of damages to be recovered by the Navigation Company; and in case the amount of damages recovered shall not exceed the sum or sums so paid, then and in such case judgment shall be given for the Company, and no action shall be maintained by the Navigation Company against the Company for the recovery of any penalty or penalties after judgment shall have been obtained by them for any special damage in respect of which such penalty or penalties would then have been recoverable.

34. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster

General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the railways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Company to Postmaster General, and penalty.

(D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

Power for Postmaster General to construct and work telegraphs, &c.

(E.) Her Majesty's Postmaster General, on, over, along, and across any of the railways, works, and lands for the time being of the Company, may from time to time construct such line or lines of telegraphs as he thinks fit, with all neces-

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sary and proper posts, wires, apparatus, and other works connected therewith, and remove or vary the same and construct others instead thereof or in addition thereto, and may maintain, inspect, test, repair, reinstate, work, and use the same as they for the time being exist, and may, by his engineers and other officers, servants, and workmen, at and for all reasonable times, for all or any of the purposes aforesaid, enter on and into and remain on those railways, works, and lands; but in the exercise of the powers of this section the Postmaster General shall not interfere with the traffic on any of the Company's railways, and shall cause as little inconvenience as may be to the Company, and shall execute and do every work or thing to the reasonable satisfaction of the engineer of the Company; and if at any time the Company desire to make at their own expense any alteration in any work executed by the Postmaster General under the authority of this section, without interrupting or impeding postal telegraphic communication, they may do so, first giving notice in writing to the Postmaster General of their intention; and in the exercise of the powers given by this section the Postmaster General shall do as little damage as may be, and shall make full compensation to the Company for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," and any Act amending the same, for the determination of the amount and application of compensation for lands taken or injuriously affected:

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(F.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Power to take easements, &c. by agreement.

35. 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.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

36. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of two thousand three hundred and fifty-four pounds three per cent. consolidated Bank annuities purchased with the sum of two thousand two hundred and thirty-two pounds, being equal to five per centum upon the amount of the estimate in respect of the railway proposed to be authorised by the Bill for this Act as originally introduced into Parliament, has been transferred into the High Court of Justice (Chancery Division) in respect of the application to Parliament for this Act: And whereas the railways included a part of a railway which was struck out of the said Bill during its progress through Parliament: And whereas the estimate for the railway by this Act authorised amounts to twenty-nine thousand four hundred and thirty pounds, five per centum upon which sum is equal to one thousand four hundred and seventy-one pounds ten shillings: Be it enacted that notwithstanding anything contained in the said Act, that of the said sum so transferred as aforesaid in respect of the application for this Act a sum of three per cent. consolidated Bank annuities, equal in value to the said sum of one thousand four hundred and seventy-one pounds ten shillings (which last-mentioned Bank annuities are in this Act referred to as "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, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the deposit fund shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified,

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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.

37. The deposit fund shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may 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 shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice (Chancery Division) may seem fit; and if no such compensation shall be payable, or if a portion of the deposit fund shall have 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 said Division think 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 paid 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 person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Release of balance of money deposited.

38. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of the reign 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 Court may and shall order that the balance of the said sum of two thousand three hundred and fifty-four pounds three per cent. consolidated Bank annuities so transferred as aforesaid, over and above the deposit fund, and the interest and dividends thereof, shall be paid to the persons or person so applying, or to any other person or persons whom they or he may appoint in that behalf.

Period for completion of works.

39. If the railway is 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 railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls for passengers, animals, and goods.

40. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway:

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

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

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

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

In respect of goods and minerals conveyed upon the railway:

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

Class 5. For all coke, charcoal, pig iron, bar iron, rod iron,

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hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, slates, salt, fire-clay, and stone, copper ore, lead ore, tin ore, antimony, and manganese, and all other ores, minerals, and semi-metals, per ton per mile threepence; and if conveyed in carriages belonging to the Company, an additional sum, per ton per mile of one halfpenny:

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

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

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

Tolls for propelling power.

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

Regulations as to tolls.

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

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

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

fraction of a mile beyond an integral number of miles shall be deemed a mile:

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

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

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

Tolls for small parcels and single articles of great weight.

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

For the carriage of small parcels on the railway:

For any parcel not exceeding seven pounds in weight, threepence;

For any parcel not exceeding fourteen pounds in weight, fivepence;

For any parcel not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel not exceeding fifty-six pounds in weight, ninepence;

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

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

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

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

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

Maximum rates for passengers.

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

For every passenger conveyed in a first-class carriage the sum of threepence per mile:

For every passenger conveyed in a second-class carriage the sum of twopence per mile:

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

Maximum rates for animals and goods.

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

For every animal in Class 1, fourpence per mile;

For every animal in Class 2, threepence per mile;

For every animal in Class 3, one penny per mile;

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

For everything in Class 5, twopence per ton per mile;

For everything in Class 6, threepence per ton per mile;

For everything in Class 7, fourpence per ton per mile;

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

Passengers luggage.

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

Terminal station.

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

Foregoing charges not to apply to special trains.

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

Company may take increased charges by agreement.

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

Power to use portion of South-eastern Railway, &c.

50. The Company and any company or persons for the time being working or using the railways of the Company or any part or parts thereof may run over, work, and use with their engines, carriages, and waggons, officers, and servants, whether in charge of engines and trains or for any other purpose whatsoever, and for the purposes of traffic of every description, the portion of railway herein-after mentioned, or some part or parts thereof; (that is to say,)

So much of the Maidstone Branch of the South-eastern Railway as lies between the point of junction therewith of the Railway No. 2 by this Act authorised and the Maidstone Station, including the said station;

And all roads, platforms, points, signals, water, water engines, engine sheds, standing room for engines, booking and other offices, warehouses, sidings, junctions, machinery, works, and conveniences of or connected with the said portion of railway and station;

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And as regards traffic conveyed by them, the Company may demand and take the same tolls and charges upon and in respect of the said portion of railway and station as they would be entitled to take if such railway and station were part of the railways by this Act authorised.

Terms of such user.

51. The terms, conditions, and regulations to be observed and fulfilled, and the tolls, charges, rent, or other consideration to be paid by the Company, or such other company or persons as aforesaid, for and in respect of the use of the said portion of railways and station, and other works and conveniences, shall be such as are from time to time agreed upon between them and the South-eastern Company, or, failing such agreement, as may from time to time be determined by the Railway Commissioners, on the application of any or either of the companies interested, and the costs of the arbitration shall be in their discretion, and the decisions of the said Commissioners shall be final and binding on all parties.

Power to enter into working agreements with South eastern Company.

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

The working, use, management, and maintenance of their respective railways, stations, and works, or any part or parts thereof respectively;

The supply and maintenance, under any agreement for the respective railways being worked and used by the working Company, of engines, stock, and plant, and the employment of officers and servants for the conduct of traffic on the respective railways, or any part thereof, necessary for the purposes of such agreement;

The payments to be made and the conditions to be performed with respect to the matters aforesaid;

The management, regulation, interchange, collection, transmission, and delivery of traffic upon, or coming from, or destined for the railways or stations of the contracting Companies, or either of them;

The fixing, collection, payment, appropriation, apportionment, and distribution between the said Companies of the tolls, rates,

income, and profits arising from the respective railways and works of the contracting Companies, or either of them, or any part thereof.

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

53. During the continuance of any agreement to be entered into under the provisions of this Act between the Company and the South-eastern Company, the railways of the Company and of the South-eastern Company shall for the purposes of short-distance tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railways of the South-eastern Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railways of the South-eastern Company.

Interest not to be paid on calls paid up.

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

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

55. 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.

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

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Expenses of Act.

57. 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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