CHAPTER lxxxiii.

An Act to confer upon the Lydd Railway Company further powers with reference to their own undertaking and for other purposes. [16th July 1885.]

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WHEREAS by the Lydd Railway (Extensions) Act 1882 (in this Act called the Act of 1882) the Lydd Railway Company (in this Act called the Company) were empowered to make and maintain the railways jetty and works in the county of Kent described in section 4 of that Act:

And whereas by the Lydd Railway (Extension) Act 1883 (herein-after called the Act of 1883) the Company were authorised to make and maintain the railway described in section 4 of that Act:

And whereas it is expedient that the periods respectively limited for the compulsory purchase of lands authorised to be acquired for the purposes of the said Acts and for the completion of the railways and works thereby respectively authorised be extended:

And whereas it is expedient to deviate and make an alteration in the levels of and to divert a portion of the railway authorised by the Act of 1883 as herein-after described:

And whereas by the Loose Valley Railway Act 1877 (herein-after referred to as the Act of 1877) the Loose Valley Railway Company were incorporated and authorised to make certain railways in the parishes of Maidstone and Loose in the county of Kent:

And whereas by the South-eastern Railway Act 1881 the powers and authorities of and relating to the undertaking of the Loose Valley Railway Company were thereby transferred to and vested in the South-eastern Railway Company:

And whereas the Company have not granted any mortgages or created any debenture stock except under the Lydd Railway Act 1881:

And whereas the Loose Valley Railway is in course of construction and it is expedient that the same and all the powers and authorities in connexion therewith be transferred to the Company

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and that the periods respectively limited for the purchase of the lands required for the purposes of and for the completion of the works thereby authorised be further extended:

And whereas it is expedient that the South-eastern Railway Company (herein-after called the South-eastern Company) should be authorised to subscribe to the undertaking of the Company and that certain agreements entered into between the Company and the South-eastern Company should be confirmed:

And whereas it is expedient that the Company be authorised to raise further capital:

And whereas plans and sections showing the lines and levels of the proposed deviation railway and alteration of levels and the lands in or through which the same are intended to be made and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been 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 book 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 Lydd Railway (Various Powers) Act 1885.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 Part I. (relating to the construction of a railway) Part II. (relating to extension of time) Part III. (relating to working agreements) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely:—

The distribution of the capital of the Company into shares:

The transfer or transmission of shares:

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

The forfeiture of shares for non-payment of calls:

The remedies of creditors of the Company against the shareholders:

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

The conversion of the borrowed money into capital:
The consolidation of the shares into stock:
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:

Also Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 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 railway" includes the deviation railway authorised by this Act 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.

Power to make railway.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described with all necessary and convenient bridges rails sidings turntables stations approaches roads junctions and other works and conveniences connected therewith 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 that purpose. The railway herein-before referred to and authorised by this Act is—

A railway being a deviation railway wholly in the county of Kent six miles four furlongs and nine chains in length commencing in the parish of Loose at the point of commencement of the railway authorised by the Act of 1883 and terminating in the parish of Sutton Valence by a junction with the said authorised railway at a point thereon 6 miles 5 furlongs and 2 chains measured along the said authorised railway from the point of commencement thereof:

And the Company may also upon the lands and according to the levels shown on the said plans and sections alter the levels of the railway authorised by the Act of 1883 between the said points of commencement and termination of the railway hereby authorised

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excepting thereout so much of the said railway authorised by the Act of 1883 as is intended by this Act to be abandoned.

Power to cross certain road on the level.

5. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the deviation railway carry the same with a single line only whilst the same shall consist of a single line and afterwards with a double line only across and on the level of the road next herein-after mentioned (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.
63	Loose	Public

Inclination of roads.

6. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
1	Maidstone and Loose	Public	1 in 7 on one side 1 in 12 on the other
63	Maidstone and Loose	Public	1 in 7 on one side 1 in 12 on the other
14	Boughton and Monchelsea	Public	1 in 12 on one side and level on the other

Height and span of bridges.

7. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say):

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
28	Sutton Valence	Public	20 feet	20 feet
32	Sutton Valence	Public	20 feet	20 feet

Widths of certain roadways.

8. The Company may make the approaches to and roadways over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
1	Maidstone and Loose	Public	15 feet
10	Maidstone	Public	15 feet
9 & 122	Langley and Monchelsea	Public	20 feet

For protection of highways under control of rural sanitary authority of Maidstone Union.

9. Notwithstanding anything herein-before contained the Company in making the said railway shall so far as the under-mentioned public roads and footpaths be concerned be constructed in manner herein-after appearing that is to say :—

(1.) As to the public road No. 45 in the book of reference herein-before referred to situate in the parish of Loose and as to the public road No. 70 in the said book of reference situate in the parish of Boughton Monchelsea if the said railway shall be constructed within fifteen yards of either of the said roads then a screen or hoarding twelve feet high sufficient to hide passing trains shall be erected and for ever after maintained by the said Company along such portions of the said roads as shall be within such distance of fifteen yards from the said railway :

(2.) As to the public road No. 63 in the said book of reference in the parish of Loose that road shall not be crossed upon the level unless and until another public road in substitution for the said road be laid out and constructed by the Company to the approval of the rural sanitary authority of the Maidstone Union the gradients of such substituted road not to be steeper in any portion thereof than 1 in 9 such substituted road to be of a width of not less than twenty-five feet in any part. The substituted road shall not be crossed by the railway upon the level nor shall the said road No. 63 be crossed upon the level unless and until a bridge for the convenience of foot passengers be constructed over the railway in the line of or conveniently adjacent to the said road No. 63 such footbridge to be for ever maintained by the Company :

(3.) As to the public footpath No. 74 in the parish of Loose the Company shall not alter or interfere with the said footpath :

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(4.) As to the public footpath No. 105 in the parish of Loose and East Farleigh (detached) and as to the public road No. 7 in the parish of Boughton Monchelsea the Company shall in respect of the said footpath construct and for ever maintain a subway under or bridge over the railway to the satisfaction of the rural sanitary authority for the convenience of foot passengers and in respect of the said public road a subway under or bridge over the road for the convenience of vehicular traffic:

(5.) As to the public road No. 122 in the parish of Boughton Monchelsea the Company shall alter the gradient of that road when the same is crossed by the railway but only so that such altered gradient shall be not greater than 1 in 20 on the south side and level on the north side.

Power to take easements &c. by agreement.

10. 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.

Company to abandon portion of railway of 1883.

11. The Company shall abandon so much and such portion of the railway authorised by the Act of 1883 as will be situated between the commencement and termination of the railway authorised by this Act and which will be rendered unnecessary by the construction thereof.

Compensation for damage to land by entry &c. for purposes of portion of railway abandoned.

12. The abandonment by the Company under the authority of this Act of the portion of railway authorised by the Act of 1883 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or of the Act of 1883.

Compensation to be made for non-completion of purchase of land for portion of railway abandoned.

13. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the portion of the railway authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Extension of time for purchase of lands required for and for completion of works authorised by Act of 1882.

14. The period limited by the Act of 1882 for the compulsory purchase of the lands required for the purposes of the railways jetty and works authorised by that Act is hereby extended until the expiration of a period of two years from the twenty-fourth day of July 1885 and the period limited for making and completing the said railways jetty and works is hereby extended until the expiration of a period of three years from the twenty-fourth day of July 1887. If the said railways jetty and works be not completed within the extended period by this Act limited for the completion thereof then on the expiration of that period the powers for making and completing the same respectively or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as shall then be completed.

Extension of time for purchase of lands required for railway authorised by Act of 1883.

15. The time limited by the Act of 1883 for the compulsory purchase of the lands required for the railway by that Act authorised is hereby extended until the expiration of a period of two years from the second day of August 1886.

Transfer to Company of Loose Valley Railway.

16. The South-eastern Company shall sell and transfer and the Company shall purchase the railway and undertaking authorised by the Act of 1877 upon the following terms and conditions viz. :—

(A.) The transfer shall take effect as from the passing of this Act and as from that date all the lands acquired or contracted for by the Loose Valley Railway Company or the South-eastern Company for the purposes of the railway authorised by the Act of 1877 and all the powers rights privileges and authorities granted to the Loose Valley Railway Company or to the South-eastern Company in respect of the said undertaking (other than powers relating to the constitution of the Company or the raising

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of capital) shall by virtue of this Act be transferred to and vested in the Company and as from that date the Company may exercise all the powers and shall be subject to all the duties and liabilities conferred or imposed on or incurred by the Loose Valley Railway Company or the South-eastern Company for the said purposes from the same date:

(B.) The consideration for the purchase shall be such sum not exceeding the authorised capital of the Loose Valley Railway Company as may have been expended by the Loose Valley Railway Company or the South-eastern Company in and about the purchase of lands for and construction of the said railways together with interest at a rate to be agreed on not to exceed 4½ per cent. per annum from the dates of such expenditure respectively and such consideration shall be paid in the stock of the Company of the nominal amount so found or in cash as may be agreed on by the Company and the South-eastern Company:

(C.) Within three months after the date of the passing of this Act the Company shall produce to the Commissioners of Inland Revenue a deed of conveyance in which the consideration for the purchase shall be fully and truly stated and which shall be duly stamped with the proper ad valorem stamp duty in respect of the consideration and in default of the Company so doing the ad valorem stamp duty with interest thereon at the rate of five per cent. per annum from the date of the passing of this Act to the date of payment shall be recoverable from the Company with costs.

Extension of time for purchase of lands for and completion of Loose Valley Railway.

17. The respective times limited by the Act of 1877 as extended by the Loose Valley Railway Act 1880 and the South-eastern Railway (Various Powers) Act 1882 for the compulsory purchase of land for the purposes of and for the completion of the railways authorised by the Act of 1877 are hereby further extended until the expiration of periods of two and three years respectively from the tenth day of August one thousand eight hundred and eighty-five.

Period for completion of railway.

18. If the railway hereby authorised to be constructed is not completed within five years from the passing of this Act then on the expiration thereof 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.

Period for compulsory purchase of lands.

19. The powers of the Company for the compulsory purchase of lands authorised by this Act to be taken shall not be exercised after the expiration of three years from the passing of this Act.

Railways to form part of the Company's undertaking.

20. The railway authorised by this Act and by the Act relating to the Loose Valley Railway Company shall for all purposes including the levying of tolls fares rates and charges be deemed to be respectively part of the railways of the Company and the lands and property from time to time acquired by the Company under this Act and the railway and works herein-before described shall be part of the undertaking and property of the Company as if the Company had by the Act of 1883 been authorised to acquire make and maintain the same: Provided that in the case of the Loose Valley Railway the Company shall not demand or take any tolls rates fares and charges exceeding those which that Company would have been entitled to demand under the Act of 1877.

Penalty imposed unless railway opened.

21. If the Company fail within the period limited by this Act to complete the railway authorised by this Act or as to the railway authorised by the Act relating to the undertaking of the Loose Valley Railway within the period limited by the Act of 1877 as extended by this Act or if the Company fail to complete within the periods limited by this Act any of the railways the time for the completion of which is extended by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the respective periods so limited until the respective railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway. The said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Paymaster General for and on behalf of the Supreme Court of Judicature in England in the Bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided: But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railways respectively by unforeseen accident or circumstances beyond their control provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

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Providing for application of penalty.

22. Every sum of money so recovered by way of penalty as aforesaid 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 may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company for the purposes of the railways respectively 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 sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty 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 Chancery Division thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

As to houses of labouring classes.

23. The Company shall not under the powers of this Act or of the Acts of 1882 and 1883 or of the Loose Valley Act 1877 the time for the compulsory purchase of lands for the purposes of which Acts is hereby extended respectively purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers unless and until:

(1.) They shall have obtained the approval of the Local Government Board to a scheme or schemes for providing new dwellings for such number of persons as were residing in such houses

on the 15th day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that day residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case:

(2.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme:

(3.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme:

(4.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit:

(5.) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice:

(6.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty not exceeding five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom: Provided that the Court may if it think fit reduce such penalty:

(7.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being

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belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act:

(8.) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit:

(9.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section:

(10.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875:

(11.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation

and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

For the purposes of this section the expression "labouring class" includes mechanics artizans 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 of such persons who may be residing with them.

Power for South-eastern Company to subscribe to funds of Company.

24. The South-eastern Company may with the authority of three fourths of their shareholders present in person or by proxy at a general meeting of that Company specially convened for the purpose from time to time subscribe any further sum which they think fit towards the undertaking of the Company not exceeding in the whole fifty thousand pounds and upon such terms and conditions as may be agreed upon by the Company and the South-eastern Company in reference thereto: Provided always that the South-eastern Railway Company shall not sell dispose of or transfer any of the shares or stock in the Company for which they may subscribe.

Confirming agreement already entered into as to working &c.

25. The articles of agreement dated the third day of February 1882 between the Company and the South-eastern Company as set forth in the schedule to this Act are hereby confirmed and as on and from the first day of July 1885 the South-eastern Company shall become the lessees in perpetuity of the railways between Lydd and Dungeness and between Lydd and Dungeness and New Romney on the terms of paying an annual rental equivalent to four pounds and five shillings per centum per annum on the capital expended by the Company with the privity and consent of the South-eastern Company and when and so soon as any section of the railway between Headcorn and Sutton Valence Loose Valley and Maidstone shall be completed and certified as fit for opening by the Board of Trade then as respects such section and sections the South-eastern Company shall become the lessees thereof on the terms of paying a sum equivalent to four pounds per centum on the capital expended with the privity and consent of the South-eastern Company and the South-eastern Company shall work these railways and sections of

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railway efficiently performing the duties and executing the liabilities which legally attach to the Company in respect thereto.

Power to raise additional capital.

26. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole one hundred thousand pounds by the issue at their option 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 but the Company shall not issue any one share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of the share has been paid in respect thereof.

Limit of amount and number of calls.

27. The amount of any one call to be made upon a share created under this Act shall not exceed one fourth of the amount of such share and there shall be an interval of two months at least between every two successive calls and not more than three fourths of the amount of each share shall be called up in any one year.

New shares or stock to be subject to same incidents as existing shares or stock.

28. Except as by this Act otherwise provided 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.

Power to borrow on mortgage.

29. The Company may in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole thirty-three thousand pounds but no part thereof shall be borrowed until the 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 thereof is paid up and the Company have proved to the justice who is to certify under the 40th 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 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 if the said capital is raised by shares 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 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.

Existing mortgages to have priority.

30. The principal money secured by all mortgages granted by the Company in pursuance of the powers of the Act of 1882 or the Act of 1883 and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the said Acts have priority over the principal money secured by any mortgages granted by virtue of this Act.

Arrears may be enforced by appointment of a receiver.

31. The Company's mortgagees may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Application of moneys.

32. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Power to create debenture stock.

33. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the Lydd Railway (Extensions) Act 1882 or the Lydd Railway (Extension) Act 1883 or this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages: Provided that nothing in this section contained shall alter the priority in the payment of the interest on all debenture stock and mortgages now or hereafter created or issued and granted under the powers of the Lydd Railway Act 1881 and all mortgages and debenture stock certificates hereafter granted or issued shall be indorsed accordingly.

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Power to apply corporate funds to purposes of Act.

34. The Company may apply to the purposes of this Act to which capital is properly applicable any of the money which they have raised or which they have power to raise by virtue of the Lydd Railway Act 1881 the Act of 1882 and the Act of 1883 and which may not be required for the purposes to which they are by those Acts made specially applicable.

Interest not to be paid on calls paid up.

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

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

36. 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.

Provisions as to general Railway Acts.

37. Nothing in this Act contained shall exempt the Company or the 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 authorised by this Act.

Costs of Act.

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

THE SCHEDULE in this Act referred to.

Articles of agreement made this 3rd day of February 1882 between the Lydd Railway Company (herein-after called "the Lydd Company") of the one part and the South-eastern Railway Company of the other part. Whereas by the Lydd Railway Act 1881 the Lydd Company were empowered to make and maintain the railway therein described (section 5) and to raise capital and borrow money and create and issue debenture stock as therein mentioned And by such Act it was amongst other things provided (section 38) that the Lydd Company and the South-eastern Railway Company might from time to time enter into and carry into effect and rescind contracts agreements and arrangements for the purposes therein mentioned.

And whereas an agreement for the working of the said railway when completed and opened for traffic was on the 26th day of May 1881 submitted to and approved by the proprietors of the South-eastern Railway Company but such agreement has for the reasons herein-after stated not been acted upon or adopted by the Lydd Company.

And whereas the railway authorised by the said Act has been wholly completed and is now open for traffic to the town of Lydd.

And whereas in the construction of such railway and the works authorised by the said Act lands have been purchased for a double line of railway with additional lands for station sidings and other purposes and additional station accommodation has been provided and the railway extended and more efficient and commodious railway works than was contemplated at the time of such agreement being approved as aforesaid have been provided by the Lydd Company at the request of the South-eastern Railway Company and the cost of such railway and works had considerably exceeded the then estimated cost and has amounted together with provision which is to be made to the extent of a sum of 4,000*l.* for further station works and sidings upon the said railway to the sum of 100,000*l.* or thereabouts.

And whereas the said companies are desirous of entering into such further agreement as is herein-after expressed.

Now it is hereby agreed by and between the said Companies as follows:—

1. The South-eastern Company shall work and use in perpetuity subject to the provision provided for by section 27 of the Railways Clauses Act 1863 the said railway station and works from Appledore to Dengeness as an integral part of the South-eastern system and the South-eastern Company shall so far as lawfully may be have the exclusive use of such railway and works.

2. The South-eastern Company shall act as agents for the Lydd Company in the conveyance of mails and troops and otherwise perform their statutory obligations and indemnify them against all penalties damages expenses and claims

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occasioned by any default on the part of the South-eastern Company in relation thereto or otherwise in relation to the maintenance working or user of the said railway and works.

3. The South-eastern Company shall efficiently maintain the said railway and works and in working and using the said railway shall have their own staff and use their own plant and they may fix the tolls rates fares and charges for all descriptions of traffic whether through or local thereon Provided always that if the Lydd Company shall consider that any tolls rates fares or charges fixed by the South-eastern Company or any booking arrangements are prejudicial to the interests of the Lydd Company the matters in difference shall in default of agreement be settled by arbitration in manner herein-after mentioned.

4. The South-eastern Company shall pay all rates taxes and other outgoings in respect of the railway of the Company including those payable in respect of surplus land (if any) which shall have been retained by the Lydd Company at the request of the South-eastern Company it being a condition of this agreement and the Lydd Company hereby agreeing that any surplus land certified by the engineer of the South-eastern Company as not required for their present or prospective purposes of the railway shall be sold by the Lydd Company at the request of the South-eastern Company and that no lands shall be sold as surplus lands without such certificate and request as aforesaid.

5. And such surplus lands shall include the shingle or beach land at Dungeness purchased by the promoters of the Lydd Railway from the trustees of the late Earl of Thanet for railway and terminal purposes.

6. The amount of the gross receipts arising from through traffic of all kinds coming from or destined for the railway (herein-after called the gross receipts) after deducting passenger duty and all terminals tolls and sums paid out whether on the South-eastern Railway or the railway (which terminals tolls and sums paid out shall be retained by the South-eastern Company) shall be apportioned according to mileage and the mileage proportion of the railway shall be added to the gross receipts from local traffic of all kinds on the railway after deducting passenger duty and terminals which shall belong in all cases to the South-eastern Company and the amount thus ascertained for any half year ending on the 30th of June and the 31st of December shall be divided as respects 50 per cent. to the South-eastern Company and 50 per cent. to the Lydd Company.

7. If the share of the Lydd Company payable to them for any half year under the last preceding clause when added to the net rents and profits of any surplus land and any other moneys in the nature of income (including any rates or tolls from time to time received by them) shall after providing such a reasonable sum not exceeding 1000*l.* per annum as may from time to time be required to pay the expenses of the direction and management of the Lydd Company's undertaking not be equal to a sum of 2000*l.* in each half year then the South-eastern Company shall make up the deficiency from time to time provided always that either the South-eastern Company on the one hand or the Lydd Company on the other hand shall have the right of giving notice to the

other Company that in the place of such one-half share of the net profits as aforesaid not less than the said guaranteed half-yearly payment of 2000*l.* there shall be paid to the Lydd Company a fixed sum of 2125*l.* each half year and upon such notice being given such substituted payment shall forthwith begin to accrue and shall be payable half yearly but in such case the Lydd Company shall not be entitled to receive any other payments whatsoever from the South-eastern Railway Company.

8. The half-yearly payments to be made under the last preceding clause shall become due on the 31st of July and the 31st of January in every year but in calculating any minimum sum payable to the Lydd Company for the half year ending on the 31st of December in any year the sum for the previous half year shall be taken into account so as to calculate the maximum on the whole year.

9. Each Company shall keep such accounts and vouchers as shall be proper for the purpose of this agreement which accounts and vouchers shall be open at all reasonable times for inspection and transcription by the secretary directors and agents of the other Company and each Company shall if so required by the other Company within twenty-eight days after the 31st of January in every year transmit to the other Company an accurate abstract of such accounts as are from time to time necessary for the purpose of ascertaining the amounts payable under the foregoing provisions or for the other purposes of this agreement.

10. If and whenever any difference or question shall arise between the Lydd Company and the South-eastern Company touching the true intent and construction of this agreement or the rights duties or liabilities of either Company hereunder or otherwise relating to the premises every such difference or question shall be determined by arbitration in accordance with the provisions of the Railway Companies Arbitration Act 1859.

In witness whereof the common seals of the said Companies are hereunto respectively affixed.

The common seal of the Lydd Railway Company was hereunto affixed in the presence of

ROBT. WM. PERKS,
Solicitor.

February 25th 1882.

L.S.

The common seal of the South-eastern Railway Company was hereunto affixed in the presence of

JOHN SHAW
Secretary to the said Company.

L.S.

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