CHAPTER xcii.

An Act to confer further powers on the London Chatham and Dover Railway Company in respect to the Maidstone and Ashford Railway. [27th June 1881.] A.D. 1881.

WHEREAS by the Maidstone and Ashford Railway Act 1880 (herein-after called "the recited Act") a company (herein-after called "the Company") was incorporated with power to raise the sum of four hundred and sixty thousand pounds in shares and one hundred and fifty thousand pounds by mortgage for the purpose of making and maintaining the railways following (herein-after called "the undertaking") that is to say (1) a railway commencing in the parish of Maidstone in the county of Kent by a junction with the London Chatham and Dover Railway at or near the termination of that railway at Maidstone and terminating in the parish of Ashford in the same county at or near and on the west side of the road leading from the Ashford Gasworks to the town of Ashford and (2) a short railway connecting the railway above described with the South-eastern Railway at Ashford: 43 & 44 Vict. c. clix.

And whereas by the recited Act the Company and the London Chatham and Dover Railway Company (herein-after called "the Chatham Company") were authorised from time to time to enter into and carry into effect agreements with respect to the working use management and maintenance of the undertaking:

And whereas during the progress through Parliament of the Bill for the recited Act an agreement was entered into between the promoters of the said Bill and the Chatham Company dated the fourteenth day of June one thousand eight hundred and eighty for the use working maintenance and management of the undertaking by the Chatham Company and for payment to the Company of certain per-centages on the gross receipts in respect of the working of the Maidstone and Ashford Railway which agreement was submitted to and unanimously approved by an extraordinary general meeting of the Chatham Company held upon the twenty-third day of July one thousand eight hundred and eighty at which

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meeting a resolution was also passed authorising the board of the Chatham Company to vary or extend the said agreement so as to secure the construction of the undertaking and on condition of guaranteeing payment of interest not exceeding four pounds per centum per annum upon the necessary capital:

And whereas it is expedient with a view to the more speedy and economical construction and completion of the undertaking and its ultimate transference to the Chatham Company that the said agreement should be superseded and that further powers should be granted to the Chatham Company and further provisions made in regard to the undertaking as herein-after expressed:

And whereas the objects 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 Maidstone and Ashford Railway Act 1881.

Interpretation of terms.

2. In this Act the expression "the undertaking" or "the railway" wherever herein-after employed means and includes the railways authorised by the Maidstone and Ashford Railway Act 1880 and the sidings stations approaches junctions works and conveniences connected with the said railways.

Railway to be constructed to satisfaction of Chatham Company.

3. The Company shall make and complete the railway with a double line of rails on the narrow gauge including all proper and sufficient junctions sidings sheds stations station masters houses cranes water tanks water cranes weighing-machines signals electric telegraph and other works and conveniences and including also all proper and sufficient dwelling-houses at level crossings where necessary and so that the railway shall at the latest by the time or times limited by Parliament for the completion thereof or such other time or times as may hereafter be limited be approved by the Government Inspector of Railways as being in all respects fit to be opened and used for public traffic and the land required for the railway shall be obtained and the railway and the works and conveniences connected therewith shall be constructed to the satisfaction of the Chatham Company or their engineer and at a cost not exceeding four hundred and fifty thousand pounds in all unless with the previous consent and approval of the Chatham Company in writing under their common seal.

Company to make all necessary arrangements for enabling Chatham Company to work the railway.

4. Before the opening of the railway for public traffic the Company shall to the satisfaction of the engineer of the Chatham Company make all such arrangements as shall be proper and sufficient for enabling the Chatham Company on and after the opening of the railway for public traffic to work and use the same as if the same were an integral part of their own undertaking.

Provision in case of further works becoming necessary.

5. If and whenever after the opening of the railway for public traffic any further or additional sidings or other works or conveniences are found requisite for the due development or the safe and convenient reception accommodation conveyance or delivery of traffic thereon or for compliance with the requirements of any Acts of Parliament the same shall at the request of the Chatham Company subject to the proviso herein-after contained be provided by and at the expense of the Company and they shall provide and complete the same to the satisfaction of the engineer of the Chatham Company and the same when completed shall be deemed to be part of their undertaking.

Company not to act as carriers or to make contracts for carriage.

6. The Company shall not at any time act as carriers on the railway or any part thereof or enter into any contracts or agreements for the carrying of traffic with any company or person and they shall abstain from doing and concurring in anything which might directly or indirectly interrupt impede interfere with or in any way disturb the exercise or quiet enjoyment by the Chatham Company of the exclusive power of managing and maintaining the railway and working the whole traffic thereof in like manner as if the railway formed part of their own undertaking.

Chatham Company to maintain and work railway after same has been completed.

7. On and for ever after the opening of the railway for public traffic the Chatham Company may and shall maintain and keep the same in good condition and working order with all proper repairs and renewals and may and shall manage work and may and shall with engines and rolling stock use the same and convey traffic thereon in a manner fairly and properly to develop the traffic of the railway of every description.

Chatham Company to appoint officers &c.

8. On and for ever after the opening of the railway for public traffic the Chatham Company shall provide and employ all station masters clerks porters engine drivers guards watchmen workmen servants and all other officers for the Company (except their secretary and his staff if any) and the Chatham Company shall also provide all such locomotive power engines waggons and rolling stock of every description (except waggons for mineral traffic) plant stores or materials and labour as shall be proper and sufficient for the

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working and use of the railway and every portion thereof by the Chatham Company and for the reception accommodation conveyance and delivery by them of the traffic thereon.

Chatham Company to have and exercise Company's powers for management and maintenance of railway.

9. On and for ever after the opening of the railway for public traffic the Chatham Company shall have exercise and enjoy at their own expense and risk and for their own benefit for the purposes of the management maintenance and repair working and use by them of the railway or any portion thereof all the rights powers and privileges whatsoever in that behalf of the Company as fully and effectually as if the railway or the respective portions thereof were part of the London Chatham and Dover Railway.

Chatham Company to be subject to parliamentary obligations of Company in respect of working and management.

10. The Chatham Company shall in the exercise of the rights powers and privileges hereby granted to them duly perform and observe the several provisions and obligations with respect to the railway and the maintenance repair management working and user thereof and to the traffic thereon which under the Acts of Parliament from time to time in force with respect to the same or otherwise are binding on the Company or on the Chatham Company and will at all times fully indemnify and save harmless the Company from and against all obligations and liabilities in that behalf and all penalties for failure and all losses damages costs charges and expenses claims and demands whatsoever in any way occasioned or incurred by or by reason of any act or default of the Chatham Company or any of their directors officers or servants in relation thereto.

Chatham Company to pay all taxes &c. except income tax.

11. On and for ever after the opening of the railway for public traffic the Chatham Company shall bear and pay all rates taxes assessments and all salaries wages and other outgoings in respect of the railway or the use and working of the same and of the traffic thereon except income tax and except also the remuneration of the directors and auditors of the Company and the salary of their secretary and his staff if any and their office expenses.

Chatham Company to fix tolls &c.

12. On and for ever after the opening of the railway for public traffic the tolls fares rates and charges in respect of the same and of the traffic thereon shall be fixed by the Chatham Company who shall have power to fix and quote such tolls rates fares and charges as they may think proper and necessary not exceeding the tolls rates fares and charges authorised by the recited Act and the Chatham Company shall in other respects have and may exercise the same powers and authorities in and over the railway and the traffic thereof as they shall for the time being have the power to exercise over

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their own railway. Provided that the railways of the Company and of the Chatham 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 railways of the Company and partly on the London Chatham and Dover Railway, for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four 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 four 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 railways of the Company and partly on the London Chatham and Dover Railway.

Chatham Company to receive the whole revenues subject to payment of guaranteed dividend.

13. The entire receipts and revenues of every kind from time to time accruing in respect of the undertaking from traffic or otherwise shall subject to payment to the Company of the dividend hereinafter provided be received by the Chatham Company and shall be retained by them as their exclusive property.

Dividend of 4 per cent. guaranteed by Chatham Company.

14. The Chatham Company shall pay to the Company in equal moieties in each year a sum equal to four pounds per centum per annum on the cost of the undertaking whether the same be paid out of the share capital of the Company or out of moneys borrowed by them including in such cost the moneys paid in respect of land and expenses connected therewith and the value of any rentcharges or other permanent annual payments in respect of land purchased for the undertaking capitalised at twenty-five years purchase thereof and the expenses of and incident to the applying for and obtaining the recited Act and this Act and the first payment of the said four pounds per centum per annum in respect of moneys borrowed shall accrue due and be payable from the time the money is borrowed and in respect of the moneys raised by shares as on the thirtieth day of June or the thirty-first day of December as the case may be immediately succeeding the completion and opening of the railway for traffic and in the latter case to an extent proportionate to the period between the date of such completion and opening and the said succeeding thirtieth day of June or thirty-first day of December as the case may be and thereafter in perpetuity.

When dividend to be paid.

15. The sums to be from time to time provided and paid by the Chatham Company under the immediately preceding enactment

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(herein-after called "the contribution of the Chatham Company") shall be deemed to become payable from day to day but shall be paid at the same time as the interest on the Chatham Company's arbitration stock is paid and shall be a charge on the undertaking of the Chatham Company next after the interest on their mortgages and debenture stocks.

Chatham Company may appoint directors.

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

Chatham Company may acquire undertaking of Company.

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

Provision as to general Railway Acts.

18. Nothing in this Act contained shall exempt the Company the Chatham 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 the recited Act.

Expenses of Act.

19. All the 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.

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1881.