CHAPTER lxvi.

An Act for making a Light Railway between Salehurst in the county of Sussex and Tenterden in the county of Kent and for other purposes. [2nd July 1896.] A.D. 1896.

WHEREAS the making and maintaining of the railways hereinafter described would be of public and local advantage:

And whereas it is expedient that the said railways should be constructed and worked as light railways subject to the provisions of this Act and the Regulation of Railways Act 1868:

And whereas the persons in this Act named with others are willing to carry the undertaking into execution on being incorporated into a company (herein-after referred to as "the Company") for the purpose and having the powers herein-after contained conferred upon them:

And whereas it is expedient that the Company and any company or persons for the time being working and using the railways of the Company be empowered to run over and use the portion of the South Eastern Railway herein-after described:

And whereas it is expedient to authorise the working and other agreements by this Act provided for:

And whereas it is expedient that the Company should be authorised subject to the provisions of this Act to pay interest upon the amount paid up from time to time in respect of the shares in their capital as by this Act 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 respective clerks of the peace for the counties of Sussex and Kent and are herein-after referred to as the deposited plans sections and books of reference:

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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 Rother Valley (Light) Railway Act 1896.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I (relating to cancellation and surrender of shares) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 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.

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 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. Francis Ford Henry Nathaniel Miers Walter John Tait 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 maintaining and working the railways and for other purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Rother Valley (Light) 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 railways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings approaches 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—

(1) Railway (No. 1) 0 miles 0 furlongs 6·10 chains in length wholly in the parish of Salehurst in the county of Sussex commencing by a junction with the South Eastern Railway siding at a point to the north of and distant 100 yards or thereabouts measured in a northerly direction from the north end of the down platform of the Robertsbridge Station on the Tunbridge Wells and Hastings Branch of the South Eastern Railway and terminating in the said parish of Salehurst in a field numbered 1056 on the 1-2500 Ordnance map of the said parish at a point 250 yards or thereabouts measured in a northerly direction from the north-east corner of the goods shed at Robertsbridge Station and forming at that point a junction with Railway No. 2 hereinafter described :

(2) Railway (No. 2) 7 miles 0 furlongs 2·90 chains in length commencing in the said parish of Salehurst in the field numbered 1058 on the 1-2500 Ordnance map of the said parish at a point 55 yards or thereabouts measured in a northerly direction from the junction of the western boundary of the said field with the hedge of the public road leading from Robertsbridge Station to Robertsbridge and terminating in the parish of Northiam in the county of Sussex in the field numbered 18 on the 1-2500 Ordnance map of the said parish of Northiam at a point in the hedge dividing the said field from the public road leading from Newenden to Northiam and distant 500 yards or thereabouts measured along the said public road in a southerly direction from the centre of Newenden Bridge:

(3) Railway (No. 3) 5 miles 0 furlongs 4·25 chains in length commencing at the termination of Railway No. 2 herein-before described and terminating in the parish of Tenterden in the county of Kent in the field numbered 908 on the 1-2500 Ordnance map of the said parish of Tenterden at a point in the hedge dividing the said field from the public road leading from Tenterden to Rolvenden and distant 40 yards or thereabouts

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from the north-east corner of the said field measured along the said hedge in a south-westerly direction.

Railways to be a light railway.

6. The railways shall be constructed and worked as a light railway subject to the provisions of the Regulation of Railways Act 1868.

For protection of John S. O. Robertson Luxford.

7. For the protection of John Stewart Odiarne Robertson Luxford and his successors in estate (all of whom are in this section referred to as and included in the expression "the owner") the following provisions shall have effect (that is to say):—

(1) The Company shall deviate the centre line of the Railway No. 2 between the easternmost boundary of the field numbered 20 on the deposited plans in the parish of Salehurst and the easternmost boundary of the field numbered 24 on those plans in that parish in the manner shown on the plan signed by Messieurs Dawes and Sons on behalf of the owner and by Edward Whittred Iltyd Peterson on behalf of the Company and the Company shall not except as aforesaid without the consent in writing of the owner deviate from the centre line of the said railway No. 2 as shown on the deposited plans where it crosses the property of the owner:

(2) The Company shall construct level crossings over the railway to connect the severed portions of the properties of the owner not exceeding five in number at such points as the owner may prescribe and shall form and complete a roadway of a width of not less than 12 feet across the railway at such crossings with proper gates on both sides of the railway and such gates shall be constructed and thereafter maintained by the Company as self-closing gates to the satisfaction of the Board of Trade.

For the protection of the Bantony Estate.

8. For the protection of Emily Andrews and her successors in estate (all of whom are in this section referred to as and included in the expression "the owner") the following provisions shall have effect (that is to say):—

(1) The Company shall not without the consent in writing of the owner deviate the Railway No. 2 to the southward of the centre line thereof as shown on the deposited plans where it crosses the property numbered on the deposited plans 9 in the parish of Salehurst or acquire any greater amount of the said property than is required for the purpose of constructing the railway:

(2) The railway between the London and Hastings road at Robertsbridge and the river beyond the field numbered 29 on the deposited plans in the parish of Salehurst shall subject as herein-after mentioned be so constructed that the rails shall be at a not higher level than one foot below the top of the existing

flood banks on the south side of the River Rother but if the rails shall be laid at a higher level the Company shall at their own expense and to the satisfaction of the owner properly raise such flood banks to a height of one foot above the level of the rails:

(3) If for the purpose of preventing flooding consequent on the construction of the railway of the lands forming part of the Red-lands and Abbey Farms of the owner it is in the opinion of the owner necessary to raise the flood banks on the south side of the River Rother such banks shall be raised to such height and strengthened in such manner and to such extent as the owner shall reasonably require:

(4) The Company shall construct a channel 18 feet in width and of an average depth of 6 feet throughout its entire length between the said railway and the River Rother from the London and Hastings road at Robertsbridge to the river beyond the field numbered 29 on the deposited plans and shall for ever thereafter maintain and keep the same cleansed and dredged to that depth and width:

(5) The Company shall construct a level crossing over the said railway to connect the severed portions of the property numbered on the deposited plans 9 in the parish of Salehurst immediately to the westward of the point at which the said railway crosses the channel of the River Rother forming the eastern boundary of that property and shall form and complete a roadway of a width of not less than 12 feet across the railway at that point with proper gates on both sides of the railway and such gates shall be constructed and thereafter maintained by the Company as self-closing gates to the satisfaction of the Board of Trade:

(6) The Company shall acquire the whole of the portion of the property numbered on the deposited plans 28 in the said parish of Salehurst which will lie to the northward of the railway:

(7) The Company shall construct and thereafter maintain for the exclusive use of the owner and the tenants of the owner or other persons having the sanction of the owner in that behalf a bridge over the River Rother of not less width between the parapets than 12 feet measured on the square in lieu of and on the site of the existing bridge known as "the Church Bridge" and shall form and complete to the satisfaction of the owner a road of a width of not less than 12 feet from Fair Lane over the said bridge and the approaches thereto to the siding to be constructed by the Company as herein-after provided The

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gradient of such road shall at no point exceed one in twenty Provided that nothing herein contained shall be deemed to require the Company to purchase or otherwise acquire any land outside their limits of deviation required for the construction of the said bridge and road :

(8) The Company shall construct a siding and properly effect a junction thereof with the Railway No. 2 by this Act authorised in either of the properties numbered 1146 or 1148 on the Ordnance map in the parish of Salehurst with proper access from the aforesaid road to be constructed by the Company as provided in paragraph 7 of this section and shall for ever after maintain the same and the said junction and shall keep available for the exclusive use of the owner and the tenants of the owner a sufficient length of such siding to accommodate four trucks being loaded at the same time by the owner or the tenants of the owner and no charge shall be made by the Company for the use of the same but such siding shall for the purposes of railway rates and charges be deemed to be a siding belonging to the owner :

(9) The owner and the Company may agree in writing for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed :

(10) Any difference which may at any time arise between the owner and the Company with respect to any matter under this section shall be settled by an arbitrator to be appointed (unless otherwise agreed upon) by the Board of Trade upon the application of either of the parties and the costs of the reference shall be borne as such arbitrator shall decide.

For protection of the trustees of John Catt.

9. For the protection of the trustees for the time being under the will of John Catt deceased and of their assigns (all of which persons are in this section included in the expression "the trustees") the following provisions shall apply and have effect (that is to say) :—

(1) The Company shall so far as the same may be rendered necessary consequent upon the construction of the railway by this Act authorised construct sufficient arches floodways or culverts under the railway for the purpose of providing a free and uninterrupted passage for all flood waters and for preventing the flooding of the mill known as Robertsbridge Flour Mill and the adjoining dwelling-house and the cottages belonging to the trustees and situate at North Bridge Street Robertsbridge :

(2) The Company shall on the lands of the trustees and for their exclusive use and benefit but at the expense of the

Company construct and maintain a siding into the said mill on a site to be agreed between the trustees and the Company (with any subsidiary siding requisite for the convenient use thereof) and shall carry the same between the engine house and the mill and shall continue the same to the oast house near thereto and shall properly effect a junction of such siding with the Railway No. 2 by this Act authorised:

(3) Any difference which may at any time arise between the trustees and the Company with respect to any matter under this section shall be settled by an arbitrator to be appointed (unless otherwise agreed upon) by the Board of Trade upon the application of either of the parties and the costs of the reference shall be borne as such arbitrator shall direct.

For the protection of William Pomfret Pomfret.

10. Notwithstanding anything in this Act contained or shown upon the deposited plans the Company shall not enter upon take or use any of the lands numbered on the deposited plans 171 172 173 174 175 175A 176 176A 177 177A 178 178A 179 179A 180 181 181A 182 182A in the parish of Tenterden without the previous consent in writing of William Pomfret Pomfret.

Capital.

11. The capital of the Company shall be sixty thousand pounds in six thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

12. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person 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.

13. 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.

Receipts in case of persons sui juris.

14. If any money be payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

15. 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 divide any share under the authority of

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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.

16. 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 pounds 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 to be paid out of the profits of the year only.

17. 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.

18. 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 on certificates.

19. 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.

20. 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. A.D. 1896.

Preferred shares not to be cancelled or surrendered.

21. 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.

22. 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.

23. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty thousand pounds and of that sum they may borrow four thousand pounds in respect of every twelve thousand pounds of the said capital of sixty thousand pounds but no part of such sum of money shall be borrowed until Railways No. 1 and No. 2 have been constructed to formation level and until the portion of capital by this Act authorised in respect of which it is to be borrowed 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 portion of 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 portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of 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 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.

24. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their

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mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect to 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.

25. 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 created and issued or granted by the Company under 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 and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

26. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Ordinary meetings.

27. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

Number of directors.

28. The number of directors shall be four but the Company may from time to time reduce and increase the number of directors but so that the number shall be never less than three nor more than six.

Qualification of directors.

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

Quorum of directors.

30. The quorum of a meeting of directors shall be three.

First directors.

31. Francis Ford Henry Nathaniel Miers Walter John Tait and one other person to be nominated by them or the majority of them and consenting to such nomination 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 nominated as aforesaid 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 or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary

Election of directors.

meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from 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.

32. 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 five acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Period for compulsory purchase of lands.

33. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to cross certain roads on the level.

34. 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 railways carry the same with a single line only whilst the railways shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

No. on Deposited Plans.	Parish.	Description of Road.
6c	Salehurst - - -	Public highway.
33	Ewhurst - - -	Do.
48a	Do. - - -	Do.
120	Northiam - - -	Do.
159	Rolvenden - - -	Do.

For the protection of the county council of East Sussex.

35. The following provisions for the protection of the county council of East Sussex (in this section called "the county council") shall have effect:—

(1) Before the Company proceeds to construct any bridges for carrying the railways under or over any main road vested in the county council they shall to the reasonable satisfaction of the surveyor of the county council (herein-after called "the county

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surveyor") and at the cost of the Company and in accordance with plans and sections to be previously submitted to and approved by the county surveyor construct and maintain good and sufficient temporary bridges for the conduct of the traffic passing along the said road:

(2) If in the execution of the works required for constructing or maintaining either the new bridges or the temporary bridges it shall be necessary or expedient to interfere with any such road such interference shall be so conducted that at all times during the progress of such works all persons and vehicles may pass and repass along the said roads:

(3) The Company shall during the progress and until the completion of such works make and carry into effect such arrangements for lighting and watching the portions of the roads interfered with as may be necessary to prevent danger or accident to persons and vehicles using the said roads:

(4) The paths channels curbs and drains in or upon under or along the said roads which may be taken up or interfered with by the Company shall be relaid and made good with new material where required to the satisfaction of the county surveyor:

(5) The roadways shall in all cases be relaid and restored to the reasonable satisfaction of the county surveyor and shall be maintained to the like satisfaction and at the expense of the Company for six months after the completion of the railways in accordance with the provisions of this Act:

(6) If any difference arise between the county council and the Company touching this section or anything arising thereunder such difference shall be settled by an engineer to be agreed upon between the parties or failing agreement to be appointed by the Board of Trade on the application in writing of either of the parties in difference and the decision of such engineer shall be conclusive and the costs of the reference shall be borne as he shall direct.

Power to take easements &c. by agreement.

36. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) 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.

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Restriction on taking houses of labouring class.

37. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the fifteenth day of December but have been or shall be subsequently so occupied.

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

Deposit money not to be repaid except so far as railways are opened.

38. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of two thousand two hundred and ninety-six pounds and tenpence being five per cent. upon the amount of the estimate in respect of the railways has been deposited with the Paymaster General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the same for the public conveyance of passengers and if the Company shall make default in so opening the railways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct

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and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

39. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

40. If the railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Tolls.

41. The Company may demand and take for the use of the railways by any other company or person with engines and carriages such reasonable tolls as they think fit.

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Rates for merchandise.

42. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the South Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891 shall be applicable and apply to the Company as if it were one of the railway companies named in the Order confirmed by the said Act:

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Charges for small parcels.

43. For the conveyance on the railways of small parcels not exceeding five hundred pounds in weight by passenger trains the Company may demand and take any charges not exceeding the following (that is to say):—

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence;

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

For any parcel exceeding twenty-eight pounds but 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 they 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.

Maximum rates for passengers.

44. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including every expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage threepence per mile;

For every passenger conveyed in a second-class carriage twopence per mile;

For every passenger conveyed in a third-class carriage one penny per mile:

For every passenger conveyed on the railways for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

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Passengers luggage.

45. Every passenger travelling upon the railways 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.

Foregoing charges not to apply to special trains.

46. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways in respect of which the Company may make such charges as they 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 upon the railways.

Power to use portion of South Eastern Railway.

47. The Company and any company or persons for the time being working or using the railways or any part thereof may by agreement run over and use with their engines carriages waggons and trucks and their officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description so much and such portion of the railway of the South Eastern Railway Company as is situate and lies between a point 100 yards or thereabouts measured in a northerly direction from the northern end of the up platform at Robertsbridge Station of that company and a point 100 yards or thereabouts measured in a southerly direction from the south end of the down platform of the said station together with that 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 the South Eastern Railway and as regards traffic conveyed by them the Company may demand and take the same rates and charges upon and in respect of the said portion of railway and station as are now authorised to be taken upon and in respect of such portion of railway and station.

Terms of such user.

48. 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 any such other company or persons as aforesaid for and in respect of the use of such portion of railway station works and conveniences shall be such as are from time to time agreed upon between them and the South Eastern Railway Company or failing such agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any or either of the companies or persons interested and the cost of the arbitration shall be in his discretion and the decisions of such arbitrator shall be final and binding on all parties.

Byelaws to be observed.

49. In running over and using the said portion of the South Eastern Railway and in using the station sidings and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the undertaking so used shall be at all times observed so far as such regulations and byelaws shall be applicable.

Power to enter into working agreements with South Eastern Railway Company.

50. The Company on the one hand and the South Eastern Railway 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 Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say):—

The working use management and maintenance by the South Eastern Railway Company of the railways of the Company or any of them or any part thereof respectively and of the works connected therewith respectively or any of them and the conveyance of the traffic thereon;

The management regulation interchange reception collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies or any of them;

The fixing subject to the authorised maximum rates and charges and the collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic and the payments allowances rebates or drawbacks to be paid made or allowed by either of the contracting companies to the other of them.

Tolls on traffic conveyed on the railway and partly on other railways.

51. During the exercise of the running powers herein-before granted or the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways of the Company or any of them or any part thereof by the South Eastern Railway Company the railways of the two companies shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railway of the Company and partly on the railway of the South Eastern Railway Company rates and charges may be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railways of the Company and partly on the railway of the South Eastern Railway Company the Company shall be deemed to be a company connected with the South Eastern Railway Company and specified

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in the appendix to the schedule to the South Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891.

Saving for Postmaster-General.

52. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the South Eastern Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Power to pay interest out of capital during construction.

53. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(*a*) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same

(*b*) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(*c*) The aggregate amount to be so paid for interest shall not exceed seven thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid:

(*d*) Notice that the Company have power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares:

(*e*) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this 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.

54. 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

55. Except as in this Act specially provided nothing in this Act contained shall exempt the Company or the South Eastern Railway Company or the railways of either Company 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.

Costs of Act.

56. 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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