CHAPTER ccxxxiv.

An Act to authorise the construction of a Railway from near the Rye Station of the South-eastern Railway in Sussex to Denge-ness in Kent, together with a Pier at the termination thereof. [5th August 1873.] A.D. 1873.

WHEREAS the construction of the railway, pier, and works herein-after mentioned would be attended with local and public advantage, and the persons herein-after named with others are willing at their own expense to construct the said railway, pier, and works:

And whereas plans and sections showing the lines and levels of the railway and pier, and also a book 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 of the railway and pier have been deposited with the clerks of the peace for the respective counties of Sussex and Kent, and are herein-after referred to respectively as "the deposited "plans, sections, and book of reference:"

And whereas it is expedient that the powers herein-after contained should be conferred upon the South-eastern Railway Company with respect to the undertaking hereby authorised:

And whereas the purposes aforesaid 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; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Rye and Denge-ness Railway and Pier Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845;"

Parts I. and III. of "The Companies Clauses Act of 1863," relating respectively to "cancellation and surrender of shares," and to "debenture stock;"

A.D. 1873.

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;"

"The Railways Clauses Consolidation Act, 1845," and (so far as applicable) Parts I. and III. of "The Railways Clauses Act, 1863," relating respectively to "construction of a railway," and "working agreements," and the 17th section of the aforesaid Act of 1845, with the 13th, 18th, and 19th sections of the Act of 1863, shall extend to the pier hereby authorised, and to the works authorised by the 6th section of this Act;

"The Harbours, Docks, and Piers Clauses Act, 1847," with the exception of provisions "with respect to lifeboats," and "with "respect to keeping a tide and weather gauge," which provisions shall not be in force for the purposes of this Act unless the same may be required by the Board of Trade;

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 meetings, 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 expression "the railway" means the railway by this Act authorised:

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 common simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. Archibald Balfour, William Payne White, Francis Henry Jeune, 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 united into a Company for the purpose of making and maintaining the railway and pier, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Rye and Denge-ness Railway and Pier 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, and their undertaking shall be called "The Rye and Denge-ness Railway and Pier."

Power to make railway and pier according to deposited plans.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway and pier herein-after described, with all proper stations, sidings, approaches, landing-places, 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 book of reference as may be required for that purpose:

The railway and pier herein-before referred to and authorised by this Act are situate as follows, that is to say, the said railway in the counties of Sussex and Kent, and the said pier in the county of Kent, namely—

A railway ten miles five furlongs four chains and forty links in length, commencing in the parish of East Guildford, in the county of Sussex, by a junction with the existing railway, between Rye and Ashford, belonging to the South-eastern Railway Company, at or near the drawbridge which carries that railway over the River Rother, and terminating on the seashore, in the parish of Lydd, in the county of Kent, at or near the line of high water, at a point about one furlong and a half to the north-east of the lighthouse at Denge-ness:

A pier extending from the point of termination of the said railway, in the said parish of Lydd, about one hundred yards in an easterly direction seaward.

Limits of pier.

6. The prescribed limits of the pier shall be three hundred feet from every part of the pier and works seawards.

Providing for landing-stages, &c.

7. The Company may construct and maintain in connexion with their said railway and pier all such roads, landing-places, stages, pontoons, warehouses, sheds, or other buildings, cranes, weighing machines, and other works and conveniences as may be necessary for the comfort and security of passengers, and for the safe landing, deposit, and delivery of goods, animals, and minerals.

For protection of certain lands.

8. In constructing the railway and works through the lands belonging or reputed to belong to Major Edward Barrett Curteis, the Company shall not, without the consent of the owner of those lands for the time being, take or use any part of the lands numbered 3, 4, 5, and 6 on the deposited plans, in the parish of Winchelsea, or of the lands numbered 20, 26a, 29, 30, and 31 on the same plans, in the parish of East Guildford, except so much of the northern part of the close numbered 29 as shall be necessary for the construction of the railway and works within the limits of deviation. The Company shall also construct a station at some point most

A.D. 1873.

convenient of access between the easternmost boundary of the lands of the said Major Edward Barrett Curteis and the point marked 4 miles on the deposited plans and sections.

Capital.

9. The capital of the Company shall be one hundred and thirty thousand pounds, in thirteen thousand shares of ten pounds each.

Shares not to be issued until one fifth part thereof shall have been paid up.

10. The Company shall not issue any share created under the authority of this Act, nor shall any 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 shall have been paid in respect thereof.

Calls.

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

Receipt in case of persons not sui juris.

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

Power to borrow on mortgage.

13. The Company may from time to time borrow on mortgage any sum not exceeding in the whole forty-three thousand three hundred and thirty-three pounds, but no part thereof shall be borrowed until the whole capital of one hundred and thirty thousand pounds is subscribed for, 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 the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their 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.

Arrears may be enforced by appointment of a receiver.

14. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, 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 ten thousand pounds in the whole.

Debenture stock.

15. The Company may create and issue debenture stock subject to the provisions of Part 3 of "The Companies Clauses Act, 1863," but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First ordinary meeting.

17. 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 in the months of February or March and of August or September in every year.

Quorum of general meetings.

18. The quorum of general meetings of the Company shall be eight shareholders, present in person or by proxy, holding in the aggregate not less than twenty thousand pounds in the capital of the Company.

Number of directors.

19. The number of directors shall be four, but the Company may from time to time decrease the number, provided that the number be not less than three.

Qualification of directors.

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

Quorum.

21. The quorum of a meeting of directors shall be three if the total number be four, and two if the total number be three.

First directors.

22. Archibald Balfour, William Payne White, and Francis Henry Jeune, and a person to be nominated by 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 qualified, eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in

Election of directors.

A.D. 1873.

person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

23. 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 two acres, and for the erection of warehouses, sheds, or buildings, cranes, weighing machines, and other works and conveniences in connexion with the said pier, the Company may by agreement take additional land not exceeding eighteen acres.

Powers for compulsory purchases limited.

24. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Level crossings.

25. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railway Clauses Act, 1863," in reference to the crossing of roads on the level, the Company may, in the construction of the railway hereby authorised, carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only across and on the level of the roads herein-after mentioned.

No. on deposited Plans.	Parish.	Description of Street or Road.
9A 10A	East Guildford (Sussex) -	Public highway.
13A 17	Broomhill (Kent) - -	Public highway.

Company to exhibit lights.

26. The Company shall at the outer extremity of the pier hereby authorised, exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

Deposit money for railway not to be repaid

27. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the 9th year of the reign of Her present Majesty, chapter twenty, a sum of three thousand four hundred

A.D. 1873.

and thirty-nine pounds four shillings and tenpence consolidated 3 per centum annuities, being equal in value to three thousand one hundred and seventy-seven pounds sterling, which sum amounts to five per centum upon the amount of the estimate in respect of the railway, and a further sum of one thousand seven hundred and thirty-six pounds eight shillings like annuities, being equal to one thousand six hundred and four pounds sterling, which sum amounts to four per centum on the amount of the estimate in respect of the pier authorised by this Act, have been respectively deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that notwithstanding anything contained in the said Act the said sum so deposited as aforesaid in respect of the railway shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway either open the same for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act, authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital, and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

until line opened, or half the capital paid up and expended.

Application of deposit for railway.

28. The said sum of money deposited in respect of the said railway 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 may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the said railway, and for which injury or loss no compensation or inadequate compensation

A.D. 1873.

shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as the Court of Chancery in England may deem fit, and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money 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 Court of Chancery in England thinks fit to order on the application of the solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of money has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid or the survivors or survivor of them.

Period for completion of railway and pier.

29. The railway and pier shall be completed within five years from the passing of this Act, and if the railway and pier shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railway and pier or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Tolls.

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

In respect of passengers and animals conveyed upon the railway or any part thereof:

For passengers.

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

For animals.

Class 1. For every horse, mule, or other beast of draught or burden threepence per mile; and if conveyed in or upon a

carriage belonging to the Company, an additional sum of one penny per mile:

Class 2. For every ox, cow, bull, or head of neat cattle twopence per head per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile:

Class 3. For every calf, pig, sheep, lamb, or other small animal one penny each per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one halfpenny per mile.

In respect of goods conveyed on the railways or any part thereof: For goods.

Class 4. For all dung, compost, and all sorts of manure, and all undressed materials for the repair of railways, public roads, or highways, coal, coke, culm, cannel, ironstone, iron ore, limestone, stones for building, pitching, and paving, tiles, slates and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile one penny halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

Class 5. For all pig iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, charcoal, chalk, lime, bricks, salt, sand, fire-clay, cinders, slag, and stone per ton per mile twopence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny:

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

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

For every carriage of whatever description (not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton) conveyed on a truck or platform belonging to the Company, sixpence per mile, and a further sum of one penny halfpenny per mile for every additional

A.D. 1873.

quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

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

Regulations as to tolls.

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

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

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

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

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

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

Tolls for small parcels and single articles of great weight.

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

For the carriage of small parcels on the railway or any part thereof as follows:

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 which they think fit:

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

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

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

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

Maximum rates for passengers.

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

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

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

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

Maximum rates for animals and goods.

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

For every animal in Class 1, fourpence per mile;

For every animal in Class 2, threepence per mile;

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

A.D. 1873.

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

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

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

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

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton carried on a truck or platform, per mile sixpence, and for every quarter of a ton beyond one ton, one halfpenny.

Charges for use of pier and warehouses, &c.

36. The Company may demand and take in respect of the use of the pier, and of any roads, landing-places, stages, pontoons, warehouses, sheds, or other buildings, cranes, weighing machines, or other works or conveniences which they may from time to time construct or supply for the comfort and security of passengers, and for the safe landing, deposit, and delivery of goods, animals, and minerals, any sums of money not exceeding the rates specified in the schedule thereto.

Power to appoint meters and weighers.

37. The Company may from time to time appoint meters and weighers within the limits of the pier or other places or buildings as aforesaid, and on vessels using the same or any of them.

Passengers luggage.

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

Foregoing charges not to apply to special trains.

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

Company may take increased charges by agreement.

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

As to agreements with South-eastern Railway Company.

41. 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, enter into agreements with respect to the following matters or any of them; namely,

The maintenance, working, use, and management of the railway, pier, and works;

The supply of rolling stock and machinery, and of officers, clerks, and servants for the conduct of the traffic thereon;

The interchange, accommodation, and conveyance of traffic coming from or going to the respective undertakings of the contracting companies;

The division of the revenue arising from such traffic;

And the payments to be made for the maintenance, working, use, and management, and for the supply of rolling stock, machinery, and of officers, clerks, and servants, or of other things.

Power to use portion of South-eastern Railway.

42. The Company may run over and use with their engines and carriages of every description, and with their clerks, officers, and servants, so much of the South-eastern Railway as lies between the junction therewith of the railway hereby authorised and the Rye station of the South-eastern Railway, together with that station, and the watering-places, booking offices, warehouses, sidings, works, and conveniences connected with the said portion of railway and station.

Terms of such use.

43. The terms, conditions, and regulations of the said use, and the tolls or other consideration to be paid for the same, shall, if not agreed upon with the South-eastern Railway Company, be from time to time determined by an arbitrator, to be appointed by common consent, or in default of such consent to be appointed by the Board of Trade on the application of either party, and the decisions of such arbitrator shall be binding and conclusive on the parties to the reference, and the costs and expenses of such arbitrator shall be defrayed as the arbitrator shall direct, and either of the said parties who shall refuse or neglect to perform, observe, and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to the other party any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence shall continue: Provided, however, that for the purpose of computing tolls and charges, the said portion of the South-eastern Railway, shall be deemed to be part of the railway of the Company:

A.D. 1873.

Byelaws to be observed.

44. In using or traversing the said portion of railway and in using the said stations and conveniences in accordance with the provisions herein-before mentioned, the Company shall at all times observe the regulations and byelaws for the time being in force on the undertaking so used, so far as such byelaws shall be applicable to the Company exercising the said powers.

Saving rights of the Principal Secretary of State for the War Department.

45. Nothing in this Act contained shall authorise the Company to enter upon, use, or interfere with any land, soil, or water or any right in respect thereof, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by Her Majesty's Principal Secretary of State for the War Department for the time being, without his previous consent signified in writing under his hand, and which consent the said Principal Secretary of State for the time being is hereby authorised to give, subject to such special or other conditions as he shall see fit to impose on the said Company.

Saving rights of Admiralty.

46. Nothing in this Act contained shall authorise the Company to enter upon, use, or interfere with any land, soil, or water, or any right in respect thereof, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the Lords Commissioners of the Admiralty for the time being without their previous consent in writing, which consent the said Lords Commissioners for the time being are hereby authorised to give, subject to such special or other conditions as they may see fit to impose upon the Company.

Saving rights under Crown Lands Act.

47. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned or reserved by sections twenty, twenty-one, and twenty-two of "The Crown Lands Act, 1866."

Saving rights of the Crown in the foreshore.

48. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs or successors.

Interest not to be paid on calls paid up.

49. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing (including debenture stock), pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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."

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

50. 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.

Railway not exempt from provisions of present and future general Acts.

51. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made from the provisions of any general Act relating to railways, or to 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 sessions 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.

Expenses of Act.

52. 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.

A.D. 1873.

SCHEDULE of Rates payable for the use of the Pier, &c.

I.—Rates on Vessels using the Pier.

		s.	d.
For every vessel of the burden of 15 tons or under	per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons	„	0	6
For every vessel of the burden of 50 tons and under 100 tons	„	0	8
For every vessel of the burden of 100 tons and under 150 tons	„	0	10
For every vessel of the burden of 150 tons and upwards	„	1	0
All lighters, for each trip	„	0	2
All boats, entirely open, landing or taking on board goods	each	0	6

II.—Rates on Goods Shipped or Unshipped at the Pier.

Ale, beer, and porter	per hogshead	0	6
Ale, bottled	per barrel	0	4
Ditto	per dozen bottles	0	1
Anchors	per cwt.	0	9
Anchor stock	per foot run	0	2
Bark	per ton	2	0
Bedding	per bundle	0	3
Beef or pork	per cwt.	0	3
Ditto	per barrel	0	6
Biscuits or bread	per cwt.	0	3
Blubber	per ton of 252 galls.	3	0
Bones and bone dust	per ton	1	6
Bottles	per gross	0	9
Bricks	per 1,000	1	6
Butter and lard	per barrel	0	6
Ditto	per firkin	0	3
Cables, iron or hempen	per ton	3	0
Canvas	per bolt	0	1
Carriages:			
Chaise and other four-wheeled carriages	each	7	6
Gigs, carts, and other two-wheeled carriages	„	5	3
Hand carts, and perambulators	„	1	0
Casks (empty) not being returned packages	per puncheon	0	3
Cattle:			
Bulls, cows, and oxen	each	3	0
Calves	„	1	0
Horses	„	4	0
Pigs	„	0	6
Sheep	„	0	6

		s.	d.
Chalk	per ton	1	0
Cheese	per cwt.	0	4
Chimney pots	each	0	3
Clay	per ton	1	0
Cloth, haberdashery, &c., per package, not exceeding	1 cwt.	0	6
Coals	per ton	1	0
Copper or brass	per ton	3	0
Cordage	per cwt.	0	3
Corks	per cwt.	0	6
Crystal	per box or package	0	6
Dogs	each	0	6
Drugs (in casks, hampers, or boxes)	per foot	0	2
Earthenware (in crates)	per foot	0	1
Eggs	per box	0	3
Fish (dried and salted)	per cwt.	0	3
Ditto (fresh), not enumerated		0	2
Flax	per ton	2	0
Flour and meal	per sack	0	4
Ditto	per barrel	0	3
Furniture (household)	per 5 cubic feet	0	4
Fruit	per bushel or sieve	0	4
Glass	per large crate	1	6
Ditto	per small crate or case	1	6
Ditto	per box	0	6
Grains and seeds	per quarter	0	6
Groceries, not enumerated	per cwt.	0	6
Guano	per ton	1	0
Gunpowder	per barrel or keg	0	6
Hams, bacon, or tongues	per cwt.	0	4
Hardware	per ton	2	6
Hares and rabbits	per dozen	0	4
Hay	per ton	1	6
Ditto	per truss	0	2
Hemp	per ton	2	0
Herrings (fresh)	per 1,000	0	3
Ditto (cured)	per barrel	0	3
Hides:			
Ox, cow, or horse (wet or dry)	each	0	2
Iron:			
Bar, bolt, rod, and shots	per ton	1	6
Pig and old iron	per ton	1	0
Manufactured	per ton	2	6
Kelp	per ton	2	0
Lead	per ton	2	6
Leather (tanned and dressed)	per cwt.	0	4
Lime	per 28 bushels	1	4

A.D. 1873.

		s.	d.
Limestone	per ton	1	0
Machinery	per ton	2	6
Manure (not enumerated)	per ton	1	0
Masts and spars, ten inches in diameter, and upwards	each	4	6
Ditto under ten inches	each	3	0
Meat (fresh)	per cwt.	0	6
Milk	per gallon	0	0½
Musical instruments	per cubic foot	0	1
Nets	per 5 cubic feet	0	4
Oakum	per cwt.	0	2
Oils	per ton	2	0
Oilcake	per ton	2	0
Oranges and lemons	per box	0	6
Ores	per ton	1	0
Oysters	per bushel	0	3
Paint	per cwt.	0	4
Pitch and tar	per barrel	0	6
Potatoes	per cwt.	0	2
Poultry and game	per dozen	0	4
Rags and old rope	per ton	2	0
Sails	per cwt.	0	6
Salt	per cwt.	0	1
Sand	per ton	1	0
Shrimp baskets	each	0	2
Skins: calf, goat, sheep, lamb, or dog	per dozen	0	6
Slates	per ton of 24 cubic feet	2	0
Spirits	per hogshead	1	0
Ditto	per gallon	0	1
Stones	per ton of 16 cubic feet	1	6
Steel	per ton	3	0
Sugar	per cwt.	0	3
Tallow, soap, and candles	per cwt.	0	3
Tea	per chest	1	0
Tiles	per 1,000	1	6
Tin and zinc	per ton	3	0
Tobacco	per cwt.	0	6
Turbot	per score	0	3
Turnips	per ton	0	6
Turpentine and varnish	per barrel	0	6
Turtle	each	2	6
Vegetables (not enumerated)	per cwt.	0	4
Vinegar	per hogshead	0	6
Vitriol	per carboy	0	1
Wine	per hogshead	1	0
Ditto (bottled)	per dozen bottles	0	2

		s.	d.
Wood:			
Fir, pine, and other descriptions, not enumerated	per load of 50 feet	1	6
Oak or wainscot	per load of 50 feet	2	0
Firewood	per fathom 216 cubic feet	1	6
Laths and lathwood	per fathom of 216 cubic feet	2	6
Handspikes	per 120	3	0
Oars	per 120	5	0
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter	per 120	5	0
Ditto, 2½ inches in diameter and under	per 120	4	0
Ditto, 22 feet in length and upwards and not exceeding 4 inches in diameter	per 120	9	0
Ditto, above 4 and under 6 inches in diameter	per 120	14	0
Spokes of wheels, not exceeding 2 feet in length	per 120	2	0
Ditto, exceeding 2 feet in length	per 120	3	0
Ditto, treenails	per 1,000	2	6
Ditto, wedges	per 1,000	2	6
Pipe staves, and others in proportion	per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	2	0
Wool	per cwt.	0	4
Yarn	per cwt.	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED IN THE ABOVE TABLE.

Light goods	per cubic foot	0	1
Heavy goods	per ton	2	0

In charging the rates on goods, the gross weight or measurement on all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

Cranes.

All goods or packages not exceeding 1 ton		0	4
Exceeding 1 ton and	2 tons	0	6
„ 2 tons	„ 3 tons	0	8
„ 3 tons	„ 4 tons	0	10
„ 4 tons	„ 5 tons	1	0
„ 5 tons	„ 6 tons	1	2
„ 6 tons	„ 7 tons	1	4
„ 7 tons	„ 8 tons	1	6
„ 8 tons	„ 9 tons	1	10
„ 9 tons	„ 10 tons	2	4
„ 10 tons		3	6

A.D. 1873.

Weighing Machine.

	s.	d.
For goods weighed, for each ton or part of a ton - - -	0	2

Sheds.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or on other works of the pier for a longer time than 48 hours - - - - -		0	3
For each day during which such goods shall remain after the first 48 hours - - - -	per ton	0	1½
For any portmanteau, trunk, parcel, or other article of passengers luggage, for each day or part of a day - - - - - -	per package	0	2

Rates of Passengers Landing on or Embarking from the Pier.

For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time - - - - - -	0	6
For every person who shall use the said pier for the purpose of walking, for exercise, pleasure, or any other purpose, except for embarking and disembarking, for each and every time - - - -	0	2
For every bath or sedan chair taken on the pier, for each and every time, any sum not exceeding - - - - -	0	6
For every perambulator - - - - - -	0	2
For every master of any vessel or wherry using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	20	0

Rates on Passengers Luggage Landed or Shipped.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage and not borne by the passenger—		
Any weight not exceeding 28 lbs. - - - -	0	2
Over 28 lbs. „ 84 lbs. - - - -	0	4
„ 84 lbs. „ 112 lbs. - - - -	0	5
„ 112 lbs. „ 140 lbs. - - - -	0	6
„ 140 lbs. „ 196 lbs. - - - -	0	7
„ 196 lbs. „ 2 cwt. - - - -	0	8
And for every 20 lbs. weight in addition - - - -	0	1

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1873.