CHAPTER cclix.

An Act to enable the South Eastern Railway Company to make a new railway and widenings to enable that Company and the London Chatham and Dover Railway Company to acquire and to hold additional lands to enable the Crowhurst Sidley and Bexhill Railway Company to raise additional capital and for other purposes. [18th November 1902.] A.D. 1902.

WHEREAS by the Sittingbourne and Sheerness Railway Act 1856 and the Acts amending the same the Sittingbourne and Sheerness Railway Company were authorised to construct and work a railway from Sittingbourne to Sheerness crossing the channel called the Swale by an opening or swing bridge with a carriage road upon such bridge for the passage of carriages animals and passengers with convenient and proper approaches thereto:

And whereas the said railway is now part of the undertaking of the London Chatham and Dover Railway Company (hereinafter called "the Chatham Company") and is known as the Sheerness Branch Railway and is maintained worked and managed by the South Eastern and Chatham Railway Companies Managing Committee) hereinafter called "the Managing Committee"):

And whereas it is expedient that the South Eastern Railway Company should be empowered to make the railway and works and exercise the other powers by this Act authorised:

And whereas it is expedient that the South Eastern Railway Company and the London Chatham and Dover Railway Company (hereinafter referred to as "the Two Companies") or either of them should be authorised to acquire by compulsion or agreement for the purposes of their undertakings the lands hereinafter described in the counties of London Kent Surrey Sussex and Southampton:

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And whereas it is expedient to extend the time within which the South Eastern Railway Company and the London Chatham and Dover Railway Company are respectively authorised to acquire compulsorily the lands and to complete the works hereinafter referred to:

And whereas it is expedient that the Two Companies should be authorised to make and carry into effect agreements with respect to the construction of the railway and works by this Act authorised:

And whereas it is expedient that the Crowhurst Sidley and Bexhill Railway Company (in this Act called "the Crowhurst Company") should be authorised to raise additional capital for the purpose of completing their railway:

And whereas it is expedient that the South Eastern Railway Company should be authorised to increase their subscription in the capital of the Crowhurst Company:

And whereas it is expedient that the other provisions contained in this Act should be made:

And whereas plans and sections showing the lines and levels of the railway widenings and works authorised by this Act and plans showing the lands by this Act authorised to be acquired and appropriated 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 clerks of the peace for the counties of London Kent Surrey Sussex and Southampton which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 South Eastern and London Chatham and Dover Railways Act 1902.

Incorporation of general Acts.

2. The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863;

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts 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 And in this Act—

"The South Eastern Company" means the South Eastern Railway Company;

"The Chatham Company" means the London Chatham and Dover Railway Company;

"The Two Companies" means the South Eastern Company and the Chatham Company;

"The Managing Committee" means the South Eastern and Chatham Railway Companies Managing Committee;

"The Crowhurst Company" means the Crowhurst Sidley and Bexhill Railway Company;

"The Working Union Act" means the South Eastern and London Chatham and Dover Railway Companies Act 1899;

"The railways" "the railway" mean the railway and widenings by this Act authorised;

"The Sheerness Branch Railway" means the railway constructed under the powers of the Sittingbourne and Sheerness Railway Act 1856 and Acts amending the same.

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Power to make railway and widenings.

4. Subject to the provisions of this Act the South Eastern Company may make and the Managing Committee may maintain in the lines and according to the levels shown on the deposited plans and sections the railway and widenings hereinafter described with all proper stations sidings junctions approaches works and conveniences connected therewith and for those purposes may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes The railway widenings and other works hereinbefore referred to and authorised by this Act are—

In the county of Kent—

A Railway (No. 2) 1 furlong 3·45 chains or thereabouts in length wholly in the parish and urban district of Sheerness commencing by a junction with the Sheerness Branch Railway at a point 2·50 chains or thereabouts measured in a southerly direction from the south end of the down platform of the Sheerness dockyard station of the Chatham Company and terminating at a point at or near the south-eastern corner of the Sheerness Dockyard where the same abuts on the eastern end of Rat's Bay:

In the county of London—

A Widening (No. 1) 3 furlongs 8·72 chains or thereabouts in length wholly in the metropolitan borough of Bermondsey of the London and Greenwich Railway of the South Eastern Company on the north-eastern side thereof commencing in the parish of Bermondsey by a junction with Widening No 4a authorised by the South Eastern Railway Act 1897 at a point 1·50 chains or thereabouts measured in a south-easterly direction along the authorised centre line of the said Widening 4a (as shown upon the plans deposited in November 1896 with reference to that Act) from the centre of St. James' Road and terminating in the parish of Rotherhithe by a junction with Widening No. 5 authorised by the South Eastern Railway Act 1896 at a point 3·65 chains or thereabouts measured in a north-westerly direction from the centre of the bridge carrying the said Widening No. 5 over Rotherhithe New Road:

In the county of Sussex—

A Widening (No. 2) 1 furlong 7·35 chains or thereabouts in length wholly in the parish of St. Helen's in the borough of Hastings of the Ashford and Hastings Branch Railway of the South Eastern Company on the north-western side

thereof commencing by a junction with that railway at a point 3·40 chains or thereabouts measured in a north-easterly direction from the eastern end of the down platform of Ore station and terminating at a point 8·50 chains or thereabouts measured in a southerly direction from the southern face of Ore tunnel and in connection therewith the stopping up and discontinuance of the private level crossing over the said railway at or near the northern end of Hurrell Road.

Rates &c. in respect of new railway.

5. In respect of the railway the Two Companies or either of them and the Managing Committee acting on their behalf may demand and take the tolls rates and charges authorised by section 28 of the Working Union Act with reference to the use of the railways of the Two Companies and the conveyance of traffic thereon.

For protection of Railway No. 2.

6. With a view to the maintenance of uninterrupted communication by railway and road between Sittingbourne and Sheerness Be it enacted as follows (that is to say):—

(1) The Two Companies or the Managing Committee shall maintain the road and rail communication over the Swale bridge except at the times of the passing of such vessels as are or may be entitled to require the bridge to be opened and such communication shall not be interrupted for the purpose of any alterations necessary for the opening and closing of the bridge for passing vessels except with the consent of the Lords Commissioners of the Admiralty:

If at any time the Two Companies or the Managing Committee shall fail to maintain such communication the Lords Commissioners of the Admiralty may claim and the Two Companies or the Managing Committee shall pay one hundred pounds for each and every day of such failure to maintain road and rail communication as liquidated damages and such damages shall be recoverable by process in the county court having jurisdiction at the instance of the Lords Commissioners of the Admiralty:

(2) Subject to the foregoing provisions of this section nothing in this section shall relieve the Two Companies or the Managing Committee from any of the obligations to maintain an opening and closing bridge under the provisions of the sections in the Sittingbourne and Sheerness Railway Act 1856 and the Sittingbourne and Sheerness Railway (Increase of

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Capital) Act 1861 or shall preclude or prevent any aggrieved party or parties or any corporate body acting on their behalf from entering into an action for damages or from obtaining an injunction in any action now pending or at any future time in regard to the temporary or permanent closing of the Swale bridge contrary to the provisions of the Sittingbourne and Sheerness Railway Act 1856 and the Sittingbourne and Sheerness Railway (Increase of Capital) Act 1861.

Railway No. 2 may cross certain roads on level.

7. The South Eastern Company may lay Railway No. 2 with a single line only whilst the railway shall consist of a single line and afterwards with a double line only on the level along and across the public roads numbered 2 and 6 in the parish of Sheerness and notwithstanding anything contained in the Railways Clauses Consolidation Act 1845 or the Railways Clauses Act 1863 the South Eastern Company shall not be required to erect gates or fences along or across the said roads or screens at or adjoining the said roads.

Power to Sheerness Urban District Council with respect to Railway No. 2.

8. The Two Companies or either of them and the Managing Committee on the one hand and the urban district council of Sheerness (in this section called "the council") on the other hand may enter into and carry into effect agreements with respect to the construction maintenance and user of Railway No. 2 by this Act authorised.

For protection of Medway Conservators.

9.—(A) The South Eastern Company before commencing any works in or upon the bed soil banks or foreshore of the River Medway shall deposit with the conservators of the River Medway plans and sections showing the proposed works and shall obtain at the cost of the South Eastern Company the licence of the said conservators in writing to the construction thereof and the said conservators may annex such conditions to the granting of such licence and may require such reasonable alterations in the works as to them shall seem right and until such licence shall have been obtained it shall not be lawful for the South Eastern Company to commence any works in or upon the bed soil banks or foreshore of the said river.

(B) No works which shall be constructed in or upon the bed soil banks or foreshore of the said river shall extend beyond the line laid down by the said conservators in their said licence and all works shall be constructed and maintained under and subject to the reasonable direction and regulations of the harbour master or engineer for the time being of the said conservators and all costs charges and expenses which the said conservators may be put to in

connection therewith shall be paid to the said conservators by the South Eastern Company on demand. A.D. 1902.

(c) The South Eastern Company shall not be entitled to apply for any such licence as aforesaid unless and until the South Eastern Company have acquired the legal freehold in possession and occupation of the land (together with any easements over or affecting the same) immediately adjacent to and adjoining the said river and in front of or over which such works are proposed to be executed and upon making such application as aforesaid and as a condition precedent to the granting by the said conservators of any such licence to the South Eastern Company as aforesaid the South Eastern Company shall produce to the said conservators the conveyance or grant to the South Eastern Company of such land and easements as before mentioned.

(d) Nothing contained in this Act shall extend or be construed to extend to take away prejudice diminish or alter any of the estates rights interests privileges liberties powers or authorities vested in or enjoyed or exerciseable by the said conservators under the Medway Conservancy Act 1881 or otherwise.

For protection of borough of Bermondsey.

10. The following provisions for the protection of the council of the metropolitan borough of Bermondsey (in this section called "the borough council") shall apply and have effect:—

(1) In the construction or widening of any bridges all roads shall be spanned by girders fitted so as to minimise the sound and vibration as much as possible:

(2) The abutments of all bridges to be constructed under the provisions of this Act over public streets or places within the jurisdiction of the borough council shall be faced with glazed bricks of a kind and quality to be approved by their surveyor up to the underside of the girders and the surface of such bricks shall at all times be kept clean and in good repair to the satisfaction of the borough council and further the underside of the girders shall be properly whitened at least once in every twelve months:

(3) The South Eastern Company shall not commence any of the works authorised by this Act over through affecting or disturbing any of the public streets or places in the said borough until they shall have given fourteen clear days' notice in writing to the borough surveyor of their intention to commence the same and the said works shall at all times be carried on and conducted so far as they affect the traffic of the

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public streets or places with all reasonable despatch and to the reasonable satisfaction of the said surveyor:

(4) The South Eastern Company shall at their own expense and under the direction of the borough council provide and fix such number of gas or other lamps with all proper fittings and apparatus for lighting such bridges and extensions of bridges with gaslight as the borough council may deem necessary and shall at their own expense keep the same lighted as well by day as by night and if the South Eastern Company make default in so doing the borough council may provide and fix such lamps and keep the same lighted as aforesaid and may recover the full cost thereof from the South Eastern Company in a summary manner:

(5) The South Eastern Company shall on demand pay to the borough council all the costs charges and expenses which they may reasonably incur by reason of the South Eastern Company's works including the cost of the inspection of plans and superintendence of any works affecting any public road or sewer within the said borough during the construction of any of the bridges and widenings aud such costs charges and expenses may be recovered by the borough council:

(6) The South Eastern Company when submitting to the Secretary of State for the Home Department any scheme or schemes under this Act for providing accommodation for the labouring classes displaced in the said borough of Bermondsey shall at the same time forward to the borough council a copy of every such scheme:

(7) If the South Eastern Company shall acquire or become possessed by virtue of this Act of any lands buildings or other property in the borough assessed or liable to be assessed to the general rate leviable within the borough they shall from time to time until the said works shall be completed and assessed to such rate be liable to make good the deficiency in the several assessments for such rate by reason of such lands buildings or other property having been taken or used for the purposes of the works and such deficiency shall be computed according to the rental at which such lands with any buildings or other property thereon were valued or rated at the time of the passing of this Act and on demand of such deficiency the South Eastern Company shall pay all such deficiencies to the collector of the said assessments respectively:

(8) If any difference arises between the borough council and the South Eastern Company under this section or anything to be done thereunder or the reasonableness of any of the requirements of the borough council or of their surveyor such difference shall be determined in manner provided by the Railway Companies' Arbitration Act 1859 by an engineer who shall be a member of the Institution of Civil Engineers to be appointed by the Board of Trade (unless otherwise agreed on) on the application of either party and for the purposes of any arbitration under the said Act the borough council shall be deemed to be a railway company:

(9) Where any works to be done by the South Eastern Company by virtue of this Act shall or may pass over or under so as to interfere with any sewer drain or work under the jurisdiction or control of the borough council or any sewers or works to be made or executed by such council or shall or may in any way affect the sewerage or drainage of their borough the South Eastern Company shall not commence such works until they shall have given to the borough council fourteen days' previous notice in writing of their intention to commence the same by leaving such notice at the town hall of the borough with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the borough council shall have signified their approval of the same unless the borough council do not signify their approval disapproval or other directions within fourteen days after the service of the said plan section and particulars as aforesaid Provided that if any difference shall arise as to the said works it shall be referred to an engineer to be appointed by the Board of Trade on the application of any of the said parties interested and the South Eastern Company shall comply with and conform to all directions and regulations of such referee in the execution of the said works and subject to such reference as aforesaid shall provide by new altered or substituted works in such manner as the borough council shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by reason of the said intended works or any part thereof and shall save harmless the borough council against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other

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officer or officers of the borough council at the costs charges and expenses in all respects of the South Eastern Company and all reasonable costs charges and expenses occasioned by reason of such works of the South Eastern Company shall be paid by the South Eastern Company on demand and if any dispute shall arise as to the amount of such costs charges and expenses the same shall be settled by a referee to be appointed by the Board of Trade and be a debt due from the South Eastern Company to the borough council and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the South Eastern Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the borough council as any sewers or works now or hereafter may be And nothing in this Act shall except as hereinbefore provided extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the borough council but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed:

(10) The South Eastern Company in constructing the works by this Act authorised shall not build beyond the present building line in Raymouth Road although the limits of deviation are shown on the deposited plans to enclose the forecourts of the houses in such road.

For protection of London Electric Supply Corporation.

11. The South Eastern Company shall not acquire any of the lands works or property belonging to the London Electric Supply Corporation Limited in Southwark Park Road without their written consent and if in carrying out the works authorised by this Act it shall be found necessary to alter the position of any of the works of the said corporation such alteration shall be carried out under the conditions specified in section 15 of the Electric Lighting Act 1882.

For protection of Urban District Council of Sheerness.

12. The following provisions for the protection of the urban district council of Sheerness (hereinafter referred to as "the council") shall apply and have effect:—

(1) The South Eastern Company shall construct Railway No. 2 and the works in connection therewith by this Act authorised so far as the same cross on the level West Minster Road and the pier or its approaches belonging to or vested in the council

in the line shown on the deposited plans and according to plans to be reasonably approved by the council and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said road pier and approaches or with the traffic thereon and if any such obstruction or interference shall be caused or take place the South Eastern Company shall pay to the council full compensation in respect thereof:

(2) If by reason of the construction of the said railway it shall become necessary to provide signals upon the said railway or road the same shall be provided by the South Eastern Company at their own expense:

(3) The said railway and all works necessary or incident to the construction thereof or affecting the property or works of the council shall be executed by and in all things at the expense of the South Eastern Company and under the superintendence and to the reasonable satisfaction of the surveyor to the council:

(4) During the construction of the said railway the South Eastern Company shall provide at their own expense a sufficient number of inspectors or watchmen for watching their railway and the works thereof and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the South Eastern Company or their contractors or any person or persons in the employment of the South Eastern Company or their contractors with reference thereto or otherwise:

(5) The South Eastern Company shall pay to the council any extra cost of the maintenance of the road pier and approaches which may be occasioned by reason of the said railway:

(6) Notwithstanding anything in this Act contained the South Eastern Company shall be responsible for and make good to the Council all costs losses damages and expenses which may be occasioned to the council or to any of their roads works or property or to the traffic thereon or otherwise in the construction of the said railway and the works in connection therewith or by any act or omission of the South Eastern Company in working the same:

(7) If at any time the council shall construct a tramway or tram line on the pier or approaches the South Eastern Company shall at the expense of the council provide a junction with Railway No. 2:

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(8) If any difference shall arise between the council and the South Eastern Company as to the reasonableness of the plans or as to any of the matters hereinbefore provided for such difference shall be referred to and be determined by an engineer to be mutually nominated by the parties or failing agreement to be appointed by the Board of Trade on the application of either party.

For protection of metropolitan borough of Lewisham.

13. Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse manhole ventilator defence or work under the jurisdiction or control or vested in the mayor aldermen and councillors of the metropolitan borough of Lewisham (hereinafter referred to as "the sewer authority") or with any sewers or works to be made or executed by or for the sewer authority or shall or may in any way affect the sewerage or drainage of the district under their control the South Eastern Company shall not commence such works until they shall have given to the sewer authority twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such sewer authority with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the sewer authority shall have signified their approval of the same unless the sewer authority do not signify their approval disapproval or other directions within twenty-eight days after service of the said plan section and particulars as aforesaid and the South Eastern Company shall comply with and conform to all orders directions and regulations of the sewer authority in the execution of the said works and shall provide by brick and concrete relieving arches or by the deviation and reconstruction of the sewers and works existing in or on the lands to be acquired by the South Eastern Company by virtue of the powers of this Act or any lands of the South Eastern Company adjoining thereto in such manner as the sewer authority shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by reason of the said intended works or any part thereof and for the proper ventilation and examination of the said sewers and works and shall save harmless the sewer authority against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the sewer authority at the costs charges and expenses in all respects of the South Eastern

Company and all costs charges and expenses which the sewer authority may be put to by reason of such works of the South Eastern Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the sewer authority by the South Eastern Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the South Eastern Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the sewer authority as any sewers or works now or hereafter may be. A.D. 1902.

For protection of London County Council.

14. For the protection of the London County Council and the metropolitan borough of Bermondsey the following provisions shall apply to the works in the administrative county of London authorised by this Act:—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the bridge carrying Widening No. 1 by this Act authorised over Southwark Park Road and Drummond Road shall be constructed as a girder bridge with a clear headway throughout of not less than eighteen feet above the existing surface of the street or road and unless otherwise agreed between the London County Council and the South Eastern Company no part of the abutments or supports of such bridge shall be constructed as to be upon the public street or so as to project beyond the general line of buildings in either of the said roads:

(2) If at any time the London County Council or the council for the metropolitan borough of Bermondsey consider it desirable that the bridge over Southwark Park Road as existing at the passing of this Act should be widened and improved the London County Council or the said metropolitan borough council (as the case may be) may give the South Eastern Company notice in writing under their common seal requiring them to alter the same and to reconstruct the same as a girder bridge or as may be otherwise agreed between the London County Council or the said metropolitan borough council (as the case may be) and the South Eastern Company shall thereupon at the expense of the London County Council or the said metropolitan borough council which ever shall have given such notice alter and reconstruct the said bridge accordingly and with a headway of not less than seventeen feet six inches

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The London County Council or the said metropolitan borough council as the case may be shall upon the carrying out of the works hereinbefore provided for in respect of the existing bridge repay to the South Eastern Company the additional cost incurred by the South Eastern Company in constructing the widening in such a manner as to admit of such reconstruction or alteration:

(3) All bridges and works constructed under the powers of this Act over any street or road shall be of a reasonably ornamental character and design and shall be made and maintained so as to prevent the dripping of water therefrom on any part of any street road area or forecourt and so as to deaden so far as is reasonably practicable the sound of engines carriages and traffic passing over them and the parapets of such bridges and works shall be carried up to a height sufficient effectually to hide from view of the street or road trains passing over such bridges or works:

(4) The South Eastern Company shall not execute or commence the erection of any such bridge or works as aforesaid until they shall have given to the London County Council twenty-eight days' notice in writing of their intention to commence the same by leaving such notice at the offices of the London County Council with plans elevations sections and other necessary particulars of the construction of the said bridges and works and until the London County Council shall have signified their approval of the same unless the London County Council fail to signify such approval or their disapproval or other directions within twenty-eight days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the South Eastern Company shall comply with and conform to all reasonable directions and regulations of the London County Council in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the London County Council against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the London County Council at the costs charges and expenses in all respects of the South Eastern Company and all costs charges and expenses which the London County Council may be put to by reason of the works of the South Eastern Company whether in the execution of the works the preparation or examination of plans and

designs superintendence or otherwise shall be paid to the London County Council by the South Eastern Company on demand:

(5) The South Eastern Company shall not where any house or building shall have been wholly or in part demolished by them leave any adjoining structures or any portion of a partly demolished structure in an unsightly condition for any longer period than is reasonably necessary:

(6) Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the South Eastern Company without the consent of the London County Council to erect or maintain any building beyond the general line of building in any street in that county:

(7) The South Eastern Company shall not permit to be used either wholly or partly as a dwelling-house any house acquired for the purposes of constructing any works under the powers of this Act if the works shall be constructed so that there shall be a less air space than one hundred and fifty square feet between the main wall at the rear of such house and any part of such work:

(8) The South Eastern Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act or upon any building or hoarding and whether during or after the construction of the works within view of any public street any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the London County Council and by the clerk to the council of the metropolitan borough in which such part of the works is situate and if any such placard or advertisement be affixed or exhibited without such approval the London County Council or the said borough council and their authorised officers may remove the same but this provision shall not prevent the South Eastern Company from exhibiting on the outside of any station placards giving information to the public as to the traffic of the Company.

Power to acquire additional lands.

15. Subject to the provisions of this Act and in addition to the other lands which the South Eastern Company are by this Act authorised to take the Two Companies or either of them with the consent of the other may enter upon take and use for the general purposes of their respective undertakings and for providing additional accommodation thereon the lands hereinafter

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mentioned and delineated on the deposited plans and described in the deposited books of reference relating thereto and may exercise the powers hereinafter mentioned (that is to say):—

In the county of London—

Certain lands in the parish and metropolitan borough of Woolwich situate on the north-eastern side of the North Kent line of the South Eastern Company and abutting on New Road and the south-western side of the public house in New Road known as "The Royal Oak" and in connection therewith the stopping up and discontinuance of the footway leading from New Road to the Woolwich Arsenal station of the said Company and to the road known as "Taylor's Buildings" along the north-eastern side of the aforesaid North Kent line;

Certain lands in the metropolitan borough of Lewisham and partly in the parish of Lewisham and partly in the parish of Lee situate on the northern side of the North Kent line of the South Eastern Company and adjoining the western end of the Blackheath carriage sidings:

Provided that if the London County Council or the council of the metropolitan borough of Lewisham shall within twelve months from the passing of this Act by notice in writing require the Two Companies so to do the Two Companies shall sell to the London County Council or to the said metropolitan borough council as the case may be the portion of the said last mentioned lands westward of a line drawn parallel to and at a distance of ten feet from the centre of the footpath leading from Haddo Villas to Lee Terrace and known as Love Lane And the price to be paid for such portion shall be the price pro rata paid by the Two Companies for the whole of such lands:

In the county of Kent—

Certain lands in the parish of St. Mary Cray adjoining and situate on the northern side of the main line of the Chatham Company being part of the enclosure numbered 286 on the $\frac{1}{2500}$ Ordnance map of the county of Kent sheet No. XVI. 3 second edition 1896;

Certain lands in the parish and urban district of Erith adjoining and situate on the northern side of the North Kent line of the South Eastern Company at Abbey Wood Station comprising part of the enclosures numbered respectively 187 190 and 191 on the $\frac{1}{2500}$ Ordnance map of the county of Kent sheets Nos. II. 7 and 8 second edition 1897;

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Certain lands in the parish of Bishopsbourne adjoining and situate on the eastern side of the Elham Valley line of the South Eastern Company comprising part of the enclosures numbered respectively 130 and 131 on the $\frac{1}{2500}$ Ordnance map of the county of Kent sheet No. LVII. 1 second edition 1898;

Certain lands in the parish and urban district of Bexley situate on the northern side of the Dartford loop line of the South Eastern Company and adjoining the Sidcup goods station of that Company;

Certain lands partly in the parish and urban district of Erith and partly in the parish of Crayford adjoining and situate on the north-eastern side of the North Kent line of the South Eastern Company and extending from the bridge which crosses the railway sidings known as Beadle's sidings carrying the road leading from the Crayford Road to White's Brickfields as far as Slades Green Lane and in connection therewith the stopping up and discontinuance of so much of the public footpath leading from the northern end of the bridge carrying the Crayford Road over the North Kent line of the South Eastern Company in the parish and urban district of Erith to the eastern side of the level-crossing known as "North-End crossing" over the said North Kent line in the parish of Crayford as lies between the aqueduct over the North Kent line near the Crayford Road and Slades Green Lane and the substitution therefor of a footpath commencing at the eastern end of the said bridge over Beadle's sidings continuing thence in a south-easterly direction to and terminating in Slades Green Lane near the aforesaid North-End crossing;

The stopping up and discontinuance of the public footpath in the parish and borough of Tunbridge Wells as shown on the deposited plans crossing over the Tunbridge Wells and Hastings Branch Railway of the South Eastern Company lying between the North Farm Road on the western side of the said railway and Sandhurst Road on the eastern side of the said railway near the northernmost corner of the Tunbridge Wells gasworks;

The stopping up and discontinuance of the public footpath as shown on the deposited plans in the parish of Strood Extra leading from the north-western end of the bridge over the North Kent line of the South Eastern Company and

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adjoining the Wickham Cement Works passing thence in a northerly direction across the enclosure numbered 74 on the $\frac{1}{2500}$ Ordnance map of the county of Kent sheet No. XIX. 6 second edition 1898 thence crossing the main line railway of the Chatham Company at or near the northern corner of the enclosure numbered 75 on the aforesaid Ordnance map and stopping up and discontinuance of the public footpath shown on the deposited plans in the same parish leading from the public footpath along the north-western side of the North Kent line of the South Eastern Company passing thence in a north-westerly direction along the side of the enclosure numbered 75 on the aforesaid Ordnance map and the substitution for these two footpaths of a footpath commencing by a junction with the road leading from the Wickham Cement Works to the public road from Cuxton to Strood at or near the north-western end of the bridge over the main line of the Chatham Company passing thence along the north-western side of the said main line in a north-easterly direction and terminating at or near the north-western side of the said footway crossing over the said main line opposite the northern corner of the said enclosure numbered 75 on the aforesaid Ordnance map:

In the county of Surrey—

Certain lands partly in the parish of Dorking Rural and partly in the parish and urban district of Dorking situate on the northern side of the Reading Branch Railway of the South Eastern Company and adjoining the Dorking goods yard on the up side of that railway;

Certain lands wholly in the parish and urban district of Dorking on the southern side of the said Reading Branch Railway and adjoining the Dorking goods yard on the down side of that railway;

Certain lands in the parish of Shere situate on the north-western side of the Reading Branch Railway of the South Eastern Company and adjoining the Gomshall and Shere station and goods yard of that Company and the approach road leading to the same and in connection therewith the stopping up and discontinuance of the private level-crossing over the said railway near to the south-eastern corner of the enclosure numbered 153 on the $\frac{1}{2500}$ Ordnance map of the county of Surrey sheet No. XXXII. 4 second edition 1896;

The stopping up and discontinuance of so much of the public footpath shown on the deposited plans in the parish of Banstead leading from Tadworth Street to Tattenham Corner as lies between the north-western corner of the enclosure numbered 456 on the $\frac{1}{2500}$ Ordnance map of the county of Surrey sheet No. XIX. 14 second edition 1895 and the western side of the Chipstead Valley Railway of the South Eastern Company and the substitution therefor of a footpath commencing at the north-western corner of the aforesaid enclosure numbered 456 on the said Ordnance map and crossing the said railway and terminating at a point 7 chains or thereabouts from the end of the westernmost platform of Tattenham Corner station;

Notwithstanding anything in this Act contained or shown upon the deposited plans the said substituted footpath shall so far as situated upon the eastern side of the said railway adjoin the eastern boundary fence of the said railway:

In the county of Sussex—

Certain lands wholly in the parish of St. Helen's and the borough of Hastings situate on the northern side of the Ashford and Hastings Branch Railway of the South Eastern Company and adjoining the Ore goods yard of that Company;

Certain lands wholly in the parish of Holy Trinity and the borough of Hastings adjoining and situate on the north-western side of the Ashford and Hastings Branch Railway of the South Eastern Company and lying between that railway and Braybrooke Road and in connection therewith the stopping up and discontinuance of the public footpath leading from Braybrooke Road and crossing over the said railway to the western end of Waterworks Road and also of the public footpath leading from the Braybrooke Road near its junction with Park Road to the aforesaid crossing over the railway and the substitution for these footpaths of a footpath commencing at a point in the Braybrooke Road opposite its junction with Park Road and continuing thence in a south-easterly direction to and terminating at the said western end of Waterworks Road;

Certain lands in the parish of Ore situate over and adjoining the northern end of Ore tunnel being part of the enclosures numbered respectively 222 224 258 262 and 263 on the $\frac{1}{2500}$ Ordnance map of the county of Sussex sheet No. LVIII. 11 second edition 1899:

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In the county of Southampton—

Certain lands partly in the parish of Yately and partly in the parish of Hawley-with-Minley situate on the south-western side of the Reading Branch Railway of the South Eastern Company and adjoining the Blackwater station goods yard of that Company.

Power to Managing Committee to retain and hold lands.

16. In addition to any other lands which the Two Companies or either of them are by this Act authorised to acquire the Managing Committee may acquire by agreement and may retain and hold for the general purposes of the joint undertaking of the Two Companies or for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 the lands hereinafter referred to :—

In the county of Kent—

Certain lands in the parish and urban district of Sevenoaks situate on the western side of the main line of the South Eastern Company and adjoining the northern end of the Sevenoaks tunnel being part of the enclosure numbered 237 on the $\frac{1}{2500}$ Ordnance map of the county of Kent sheet No. XL. 5 second edition 1896;

Certain lands in the parish of Allington adjoining and situate between the north-eastern side of the Maidstone line of the Chatham Company and the south-western side of the North Kent line of the South Eastern Company and comprising the enclosures or some part thereof numbered respectively 41 43 14 51 and 54 on the $\frac{1}{2500}$ Ordnance map of the county of Kent sheets Nos. XXXI. 14 and 15 and XLII. 2 and 3 second edition 1897;

A strip of land in the parish of Gillingham adjoining and situate on the northern side of the main line of the Chatham Company and lying between the footpath leading from Gillingham Church to Woodlands Lane and the bridge carrying the said main line over that lane;

Certain other lands in the said parish of Gillingham adjoining and situate on the southern side of the main line of the Chatham Company and lying between Gillingham Road and Woodlands Lane.

Power to South Eastern Company to retain and hold lands.

17. In addition to any other lands which the South Eastern Company are by this Act authorised to acquire they may acquire by agreement and may hold and retain for the general purposes of their undertaking or for the extraordinary purposes mentioned in

the Railways Clauses Consolidation Act 1845 the lands hereinafter referred to:—

In the county of London—

Certain lands and hereditaments in the parish of St. Thomas and St. Olave Southwark and metropolitan borough of Bermondsey situate in St. Thomas Street Southwark;

Certain lands and premises in the parish and metropolitan borough of Lewisham being Nos. 53 and 83 Granville Park Lewisham:

In the county of Kent—

Certain lands and premises in the parish of St. Dunstan's and borough of Canterbury being No. 27 St. Dunstan's Street Canterbury;

Certain lands and premises in the parish of Sturry known as "The Poplars" Sturry:

In the county of Surrey—

Certain lands and hereditaments in the parish and urban district of Dorking situate in London Road Dorking:

In the county of Southampton—

Certain lands in the parish and urban district of Farnborough containing 2 acres 3 roods and 1 perch near Farnborough station.

For protection of Erith Urban District Council and Dartford Rural District Council.

18. The following provisions shall have effect for the protection of the Erith Urban District Council and the Dartford Rural District Council (in this section called "the councils"):—

(1) In the event of a road being laid out and formed for public use from the Crayford Road over Beadle's sidings to Slades Green Lane on land on the north-east side of the lands in the districts of the councils authorised to be taken under the section of this Act whereof the marginal note is "Power to acquire additional lands" either by the councils or by any landowners in accordance with any agreement with the councils the Managing Committee shall pay to the councils the sum of five hundred pounds to be applied by the councils in defraying the expenses incurred by them in laying out and forming such road or in accordance with such agreement and the said sum shall be divided between the councils in proportion to the expenses which they may severally have incurred:

(2) Upon the opening of the said road for public use and the payment of the said five hundred pounds the substituted footpath between Beadle's sidings and Slades Green Lane

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authorised by this Act may be stopped up and discontinued by the Managing Committee unless the said road is formed alongside the said substituted footpath:

(3) The expenses over and above the said sum of five hundred pounds incurred by the councils in laying out and forming such road or in accordance with such agreement shall be deemed expenses for the purposes of the Public Health Act 1875 and each of the councils may independently of any other borrowing power borrow at interest for this purpose such sum or sums of money as they may require:

(4) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Erith Urban District Council may mortgage or charge the district fund and general district rate of their district and the Dartford Rural District Council may mortgage and charge the special expenses rate of the parish of Crayford. The councils shall pay off all moneys borrowed by them under this section within a period of fifty years from the date or dates of borrowing the same:

(5) The councils may raise all or any moneys which they are authorised to borrow under this section either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in the other and the provisions of the Public Health Act 1875 relating to the borrowing and repayment of money (except so much of section 233 of that Act as relates to the sanction of the Local Government Board and subsections (1) (2) and (3) and so much of subsection (4) as relates to the sanction of the Local Government Board of section 234 of that Act) shall apply to moneys borrowed by the councils under this section:

(6) The clerk to each of the councils shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this section or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the

clerk to the council making the same showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk so in default shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court:

(7) If it appears to the Local Government Board by that return or otherwise that either of the councils have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this section or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

As to vesting of site and soil of portions of roads and footpaths stopped up.

19. Subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway the site and soil of the portions of roads streets footpaths and highways stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall if the Two Companies or either of them are or become the owners of the land on both sides thereof be wholly and absolutely vested in the Two Companies or either of them as the case may

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require and they may appropriate the same to the purposes of their undertakings.

Extinguishment of rights of way.

20. All rights of way over or along the portions of roads streets footpaths or highways which shall under the provisions of this Act be stopped up and all rights of way over any of the lands which shall under the compulsory powers of this Act be purchased or acquired shall be and the same are hereby extinguished.

Roads &c. not to be stopped up till substituted work completed.

21. No road street or footpath or portion of road street or footpath which is by this Act authorised to be stopped up shall be so stopped up unless and until the new road footpath or other work (if any) which is by this Act authorised to be substituted therefor is completed to the satisfaction of two justices and opened to the public.

Period for compulsory purchase of lands.

22. The powers 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.

Persons under disability may grant easements &c.

23. 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 Two Companies or either of them or the Managing Committee any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors 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.

Restrictions on displacing persons of labouring class.

24.—(1) The Two Companies or either of them or the Managing Committee (in this section respectively referred to as "the Company") shall not under the powers of this Act or under the powers of any former Act extended by this Act purchase or acquire in any metropolitan borough twenty or more houses or sites of houses or in any other borough or any urban district and elsewhere than in any such other borough or urban district any parish ten or more houses or sites of houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval in the case of any metropolitan borough of the Secretary of State for the Home

Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number of persons as the Secretary of State or the Local Government Board as the case may be shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Secretary of State or the Local Government Board as the case may be for the carrying out of the scheme.

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

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

Provided that the Secretary of State or the Local Government Board as the case may be may dispense with the last-mentioned requirement subject to such conditions (if any) as he or they may see fit.

(4) If it shall appear to the Secretary of State that having regard to the congestion of population in the immediate neighbourhood of the houses purchased or acquired by the Company in respect of which new dwellings are to be provided or for sanitary or other reasons it is desirable that such new dwellings or a portion of them should be provided in some more open place or district he may approve of a scheme for providing the new dwellings or such part of them as he may determine in such other place or district as he may approve and on such conditions as he may think fit whether with regard to the provision of gardens open spaces and public recreation grounds or to facilities of cheap communication or otherwise.

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(5) Any provisions of any scheme under this section or any conditions subject to which the Secretary of State or the Local Government Board as the case may be may have approved of any scheme or of any modifications of any scheme or subject to which he or they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Secretary of State or the Local Government Board as the case may be out of the High Court.

(6) If the Company acquire or appropriate any house or houses site or sites for the purposes of this Act or under the powers of any former Act extended by this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house or site which penalty shall be recoverable by the Secretary of State or the Local Government Board as the case may be by action in the High Court and shall be carried to and form part of the consolidated fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(7) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 (Regulations as to purchase of lands) and 297 (as to Provisional Orders) of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act and in the case of a scheme approved by the Secretary of State the Secretary of State shall be substituted for the Local Government Board.

(8) The Company may on any lands belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any

moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

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

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

(9) All buildings erected or provided by the Company in the administrative county of London for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local) and any other Act or Acts relating to buildings in that county.

(10) Notwithstanding anything to the contrary in section 157 of the Public Health Act 1875 the provisions of that section and of sections 155 and 156 of the same Act shall apply to buildings erected or provided by the Company outside the administrative county of London for the purpose of any scheme under this section.

(11) The Secretary of State or the Local Government Board as the case may be may direct any inquiries to be held by any person appointed by him or them as inspectors which he or they may deem necessary in relation to any scheme under this section or to the carrying out of any such scheme and may appoint and employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed by the Secretary of State or by the Local Government Board as the case may be shall for the purposes of any such inquiry have all such powers as inspectors appointed by the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(12) The Company shall pay to the Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the Secretary of State for the services of such inspector.

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

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

(14) Any houses purchased or acquired by the Company for or in connection with any of the purposes of this Act or of any former Act the powers of which are extended by this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act or of such former Act as the case may be and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State or the Local Government Board as the case may be under any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Secretary of State or the Local Government Board as the case may be is or are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary of State or the Local Government Board as the case may be they might have been sufficient to accommodate.

(15) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means 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.

Owner may be required to sell part only of a certain property.

25. And whereas in the exercise by the Two Companies or either of them (in this section referred to as "the Company") of the powers of this Act it may happen that a portion only of the property numbered 2 in the parish and urban district of Dorking shown or partly shown on the deposited plans will be sufficient for the purposes for which it is required and that such portion or some

other portion less than the whole can be severed from the remainder of the said property without material detriment thereto. Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in the said property or each or any of them are hereinafter included in the term "the owner:"

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of the said property the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the said property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrator or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the said property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the said property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its

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absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that the said property or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in any notice given thereunder to sell and convey any part of the said property.

Penalty imposed unless railway opened within time limited.

26. If the South Eastern Company fail within the period limited by this Act to complete the railway the South Eastern Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway And the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the

Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided But no penalty shall accrue in respect of any time during which it shall appear by certificate to be obtained from the Board of Trade that the South Eastern Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

27. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes of the railway conferred upon the South Eastern 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 sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the South Eastern Company is insolvent or the railways or the railway in respect of which the penalty has been incurred or any part thereof have or 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 South Eastern Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the South Eastern Company.

Period for completio of railways.

28. If the railways are not completed within five years from the passing of this Act then on the expiration of that period the

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powers by this Act granted for making and completing the railways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Extension of time for completion of certain widenings authorised by South Eastern Railway Act 1897 and for compulsory purchase of lands for same.

29. The time limited by section 26 of the South Eastern Railway Act 1897 for the completion of Widenings Nos. 4A and 5 to 11 authorised by and described in section 4 of that Act is hereby extended for a period of two years from the sixth day of August nineteen hundred and two and the time limited by section 12 of the South Eastern Railway Act 1900 for the compulsory purchase of lands required for the construction of the said Widenings Nos. 6 to 11 is also hereby further extended for the same period.

Extension of time for compulsory purchase of lands under South Eastern and London Chatham and Dover Railway Companies (New Lines) Act 1899.

30. The time limited by section 14 of the South Eastern and London Chatham and Dover Railway Companies (New Lines &c.) Act 1899 for the compulsory purchase of the lands required for the construction of Railways Nos. 5 6 8 and 9 authorised by and described in section 4 of that Act is hereby extended for a period of two years from the first day of August nineteen hundred and two.

Extension of time for compulsory purchase of lands under London Chatham and Dover Railway Act 1899.

31. The time limited by the London Chatham and Dover Railway Act 1899 for the compulsory purchase of the additional lands in the county of Kent authorised by and described in section 8 of that Act is hereby extended for a period of two years from the thirteenth day of July nineteen hundred and two.

Extension of time for compulsory purchase of certain lands authorised by South Eastern Railway Act 1899.

32. The time limited by section 23 of the South Eastern Railway Act 1899 for the compulsory purchase of the lands required for the construction of Railways Nos. 1 to 5 and the Widenings Nos. 1 2 and 6 authorised by and described in section 4 of that Act and for the compulsory purchase of the additional lands in the county of London authorised by and described in section 20 of that Act is hereby extended for a period of two years from the thirteenth day of July nineteen hundred and two.

Extending time for sale of superfluous lands of South Eastern Company.

33. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any Act relating to the South Eastern Company with which that Act is incorporated the periods for and within which the South Eastern Company may hold sell and dispose of any superfluous lands connected with their railway which have not yet been applied to the purposes for which they were acquired are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the South Eastern Company

for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of three years from the passing of this Act but the South Eastern Company shall at the expiration of those respective periods sell and absolutely dispose of as superfluous lands all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking.

Power to Crowhurst Company to raise additional capital.

34. The Crowhurst Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise for the purposes of their undertaking or any of them any additional capital not exceeding in the whole one hundred thousand pounds by the issue at their option of new ordinary shares or stock but the Crowhurst Company shall not issue any share of less nominal value than ten pounds 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.

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

35. The capital in new shares or stock created by the Crowhurst Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Crowhurst Company of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or stock to form part of capital of Crowhurst Company.

36. The capital in new shares or stock so created shall form part of the capital of the Crowhurst Company.

Dividends on new shares or stock.

37. Every person who becomes entitled to new shares or stock of the Crowhurst Company under this Act shall in respect of the same be a holder of shares or stock in the Crowhurst Company and shall subject to the conditions on which the same may be issued be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or stock.

New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

38. Subject to the provisions of any Act already passed by which the Crowhurst Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Crowhurst Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by this Act authorised to raise by the creation and issue of new shares or stock.

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Power to borrow.

39. The Crowhurst Company may in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise borrow on mortgage of their undertaking any moneys not exceeding in the whole thirty-three thousand three hundred pounds but no part of such sum shall be borrowed until shares for so much of the said additional capital (or of a proportionate part of it according to the amount then proposed to be borrowed) as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Crowhurst 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 shares for the whole of such capital have been issued and accepted and that one half of such capital to be raised by shares has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Crowhurst Company have proved to such justice as aforesaid before he so certifies that such shares or stock (as the case may be) were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Crowhurst Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Debenture stock.

40. The Crowhurst Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as modified by section 20 of the Crowhurst Sidley and Bexhill Railway Act 1897.

Power to South Eastern Company to increase subscription to and guarantee interest on capital of Crowhurst Company.

41. The South Eastern Company may with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the South Eastern Company specially convened for the purpose and with the approval of the Managing Committee from time to time in addition to any sum which they are already authorised to subscribe towards the capital of the undertaking of the Crowhurst Company subscribe any sum

which they think fit not exceeding in the whole the sum of one hundred and thirty-three thousand pounds and the South Eastern Company may take and hold shares stock debentures or debenture stock in the capital of the Crowhurst Company in respect of such subscription The South Eastern Company may also with the like authority and approval in addition to any powers already conferred upon them in that behalf and in lieu of the subscription of the whole or any part of the principal sum they are hereinbefore authorised to subscribe guarantee the payment of interest or dividends or other annual payments on any shares stock loan and debenture stock of the Crowhurst Company to the like amount.

Application of moneys.

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

South Eastern Company may dispose of their investments in Chipstead Valley Railway Company Epsom Downs Extension Railway Company and Crowhurst Company.

43. The South Eastern Company are hereby authorised to dispose of all or any of the shares or stock held or to be held by them in the undertakings of the Crowhurst Company the Chipstead Valley Railway Company and the Epsom Downs Extension Railway Company.

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

44. The Crowhurst Company shall not out of any money by this Act authorised to be raised by them 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 Crowhurst Company to construct any other railway or to execute any other work or undertaking.

Application of capital.

45. The Two Companies or either of them may apply for all or any of the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage and which may not be required for the purposes for which the same were authorised to be raised.

Agreements between Two Companies and Managing Committee.

46. The Two Companies may make and carry into effect agreements with respect to the construction or execution of all or any of the works by this Act authorised and if so agreed the Managing Committee may undertake and carry out all or any of such works.

Saving rights of Crown.

47. Nothing herein contained shall authorise the South Eastern Company to take use or in any manner interfere with

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any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent such Commissioners and such Board are hereby respectively authorised to give neither shall anything herein 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 King's Majesty.

Provision as to general Railway Acts.

48. Nothing in this Act contained shall exempt the Two Companies the Managing Committee or the Crowhurst Company or their railways from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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.

49. 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 Two Companies or the Managing Committee.

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