CHAPTER cxcv.

An Act to confer on the South-eastern Railway Company further powers with reference to their own undertakings, and those of other companies, and for other purposes. A.D. 1881.

[11th August 1881.]

WHEREAS by the South-eastern Railway Act 1872 the South-eastern Railway Company (in this Act called the Company) were authorised to complete certain works at Bermondsey and the time limited for the completion of those works has been extended by subsequent Acts and it is expedient that it be further extended; and whereas powers conferred by the South-eastern Railway Act 1874 for the compulsory purchase of certain property at Saltwood have expired and it is expedient that they be revived: 35 & 36 Vict. c. cliii. 37 & 38 Vict. c. ciii.

And whereas it is expedient to further extend the time limited for the compulsory purchase of certain lands by the South-eastern Railway Act 1876 authorised to be acquired: 39 & 40 Vict. c. ccxxviii.

And whereas it is expedient to extend the time limited for the completion of certain works authorised by the South-eastern Railway Act 1878 and for the compulsory purchase of certain lands by that Act authorised to be acquired: 41 & 42 Vict. c. cxcix.

And whereas it is expedient to extend the time limited by the South-eastern Railway Act 1880 for the compulsory purchase of lands for the purposes of the Caterham and Godstone Valley Railway Act 1876: 43 & 44 Vict. c. ccii. 39 & 40 Vict. c. xcix.

And whereas the making and maintaining of the railways described in and authorised by this Act would be of public and local advantage:

And whereas by the South-eastern Railway Act 1874 the Company have been authorised to apply money belonging to them or under their control towards the cost of experimental borings in connexion with the construction of a tunnel under the English Channel and it is expedient that they be authorised to enter on and purchase or take temporary possession of lands required for the purposes of such borings:

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And whereas in the year 1876 there were laid before both Houses of Parliament a report and memorandum signed by commissioners appointed by Her Majesty's Government and the Government of France to consider the conditions upon which the two Governments should by means of a treaty for that purpose come to an understanding with respect to the construction of a tunnel under the channel between England and France and the report of the said commissioners recommended that the said memorandum should be adopted as the basis of the said treaty:

39 & 40 Vict. c. clxvi.

And whereas by the Westerham Valley Railway Act 1876 the Westerham Valley Railway Company (in this Act called the Westerham Company) were incorporated and authorised to construct a railway commencing in the parish of Otford in the county of Kent by a junction with the Sevenoaks and Tunbridge branch of the South-eastern Railway and terminating in the parish of Westerham in the same county:

40 & 41 Vict. c. clxxx. 43 & 44 Vict. c. xliii.

And whereas by the Loose Valley Railway Act 1877 (which has been amended by the Loose Valley Railway Act 1880) the Loose Valley Railway Company (in this Act called the Loose Valley Company) were incorporated and authorised to make certain railways in the parishes of Maidstone and Loose in the county of Kent or in one of those parishes:

42 & 43 Vict. c. cxxvi. 43 & 44 Vict. c. cxvii.

And whereas by the Hundred of Hoo Railway Act 1879 (which has been amended by the Hundred of Hoo Railway Extension Act 1880) the Hundred of Hoo Company were incorporated and authorised to make a railway called the Hundred of Hoo Railway commencing in the parish of Shorne by a junction with the South-eastern Railway and terminating in the parish of Stoke:

43 & 44 Vict. c. l.

And whereas by the West Wickham and Hayes Railway Act 1880 the West Wickham and Hayes Railway Company (in this Act called the West Wickham Company) were incorporated and authorised to make a railway commencing in the parish of Beckenham by a junction with the South-eastern Railway and terminating at a point south of the public road leading from Pickhurst to Hayes:

And whereas each of those companies last named is under an agreement with the Company to have its railway worked as an integral portion of the South-eastern Railway:

And whereas it is expedient that the four last-named companies be respectively dissolved that their respective undertakings be transferred to the Company and that in consideration of the provisions made by this Act for the completion of the railways authorised by their respective Acts the money deposited to secure the completion of those railways be returned:

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And whereas under the South-eastern Railway Act 1880 the Company became owners of a railway therein and herein-after referred to as the Godstone Railway and were authorised to construct a railway therein and herein-after referred to as the Godstone Village Extension Railway and it is expedient that the Brighton Company be authorised if they so elect to become joint owners of those railways:

And whereas by the Cranbrook and Paddock Wood Railway Act 1877 the Company were authorised to subscribe towards the undertaking of the Cranbrook and Paddock Wood Railway Company a sum not exceeding fifty thousand pounds and it is expedient that they be authorised to subscribe a further sum towards that undertaking: 40 & 41 Vict. c. clx.

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

And whereas plans and sections showing the lines and levels of the proposed railways and works and the lands in or through which the same are intended to be made and plans of the lands which the Company are by this Act empowered to acquire and books of reference to those respective plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the respective clerks of the peace for the counties of Kent Sussex Surrey and Middlesex and are herein-after 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 Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

Short title.

1. This Act may be cited as the South-eastern Railway Act 1881.

Incorporation of general Acts.

2. The under-mentioned enactments are except where expressly varied by this Act incorporated with and form part of this Act (namely):—

The Lands Clauses Consolidation Acts 1845 1860 and 1869. 8 & 9 Vict. c. 18.

The Railways Clauses Consolidation Act 1845. 23 & 24 Vict. c. 106.

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):— 32 & 33 Vict. c. 18.

The distribution of the capital of the Company into shares; 8 & 9 Vict. c. 20.

The transfer or transmission of shares; 8 & 9 Vict. c. 16.

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

The forfeiture of shares for the nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices and the provisions to be made for affording access to the special Act by all parties interested;

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;

26 & 27 Vict. c. 118.

Part I. (relating to the construction of a railway) Part II. (relating to extension of time) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863.

26 & 27 Vict. c. 92.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated with this Act shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Interpretation of term parish clerk.

4. The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or extra-parochial places in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the district board for the district in which the parish or extra-parochial place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

Extension of time for completion of certain works in Bermondsey.

5. The time limited by the South-eastern Railway Act 1872 as extended by subsequent Acts for the alteration and raising of the level of St. James's Road in the parish of St. Mary Magdalen Bermondsey in the county of Surrey and the carrying of that road by a bridge over the Bricklayers Arms branch of the Company and consequent alterations in the levels of adjoining roads shall be

further extended until the expiration of a period of one year from the passing of this Act. A.D. 1881.

Saving rights of John Allan Rolls. 42 & 43 Vict. c. cliii.

6. Nothing in this Act contained shall prejudice the rights of John Allan Rolls under an agreement made between the said John Allan Rolls and the Company dated the 1st day of May 1873 a copy of which agreement is scheduled to the South-eastern Railway Act 1879.

Revival of powers for compulsory purchase of lands &c. at Saltwood.

7. The powers of the Company for the compulsory purchase of the lands houses and other property in the parish of Saltwood specified or referred to in section six of the South-eastern Railway Act 1874 are hereby revived and may be exercised at any time before the expiration of two years from the passing of this Act but subject to the proviso in that section contained as to the uses to which such lands shall be devoted by the Company.

Extension of time for compulsory purchase of certain lands under 39 & 40 Vict. c. ccxxviii.

8. The time limited by the South-eastern Railway Act 1876 as extended by subsequent Acts for the compulsory purchase of the following lands by that Act authorised to be acquired (namely) :—

(1.) The lands required for the extension of the Company's Hythe and Sandgate branch railway to Folkestone and

(2.) The additional lands described in section eight of the South-eastern Railway Act 1876 and therein numbered 1 to 6 both inclusive

shall be further extended until the expiration of a period of one year from the 26th day of August 1880.

Extension of time for stopping up part of Ewer Street.

9. The time limited by the South-eastern Railway Act 1878 for stopping up and discontinuing the part of Ewer Street described in section eight of that Act is hereby extended until the expiration of a period of two years from the 22nd day of July 1881.

Extension of time for compulsory purchase of certain lands under 41 & 42 Vict. c. cxcix.

10. The time limited by the South-eastern Railway Act 1878 for the compulsory purchase of the lands distinguished as (B) and (C) in section sixteen of that Act is hereby extended until the expiration of a period of two years from the 22nd day of July 1881.

Extension of time for compulsory purchase of land for purposes of 39 & 40 Vict. c. xcix.

11. The time limited by the South-eastern Railway Act 1880 for the compulsory purchase of land for the purposes of the Caterham and Godstone Valley Railway Act 1876 shall be extended until the expiration of a period of two years from the 26th day of August 1880.

Power to make railways and works.

12. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and works herein-after

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described with all proper stations sidings approaches works an conveniences connected therewith and may enter on take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for that purpose. The railways and works authorised by this section are:—

(1.) A railway in the county of Kent 9 miles 4 furlongs 2·80 chains in length to be called "The Northfleet and Snodland Loop" commencing in the parish of Northfleet in the county of Kent by a junction with the North Kent branch line of the South-eastern Railway at a point thereon $6\frac{1}{2}$ chains or thereabouts (measured along the said railway) from and on the London side of the bridge by which the Northfleet and Spring Head footpath is carried over the said branch railway and passing through the said parish of Northfleet into and through the several parishes following namely:— Nurstead Cobham Luddesdown Halling and Snodland and terminating in the said parish of Snodland by a junction with the Strood and Maidstone branch line of the South-eastern Railway at a point on the Strood side of Snodland Station $5\frac{1}{2}$ chains or thereabouts (measured along the railway) from the Strood end of the down passenger platform at the said station.

(2.) A railway in the county of Kent to be called "The Rochester and Chatham Extension" 1 mile 8·80 chains in length commencing in the parish of Frindsbury by a junction with the Strood and Maidstone branch of the South-eastern Railway in Strood Station at a point 13 yards or thereabouts (measured along the railway in the direction of London) from the Maidstone end of the down passenger platform and passing through the parish of Frindsbury into and through the parish of Strood and thence by a bridge over the River Medway into and through the parish of Saint Nicholas Rochester and terminating in that parish at the junction of High Street with the westernmost side of Railway Place.

(3.) The widening of the London and Greenwich Railway in the parish of St. Paul Deptford in the county of Kent commencing by a junction with that railway on the London side of Deptford Station at a point thereon 36 yards or thereabouts (measured along the railway) from the western end of the locomotive engine shed at that station and terminating by a junction with the said London and Greenwich Railway at a point thereon 125 yards or thereabouts (measured along the said railway) to the eastward of High Street Deptford.

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(4.) The stopping up and discontinuance of the use for public traffic of so much of the footpath in the parish of Frindsbury in the county of Kent leading from Frindsbury Hill to the road connecting Frindsbury Road with the up side of the South-eastern Railway station at Strood as lies between the Company's road at a point on that footpath 25 yards or thereabouts (measured along the said footpath) from its junction with the highway at Frindsbury Provided that the Company shall at all times hereafter maintain and keep open for public use by carriages waggons carts horses and foot passengers the said road known as the Company's road with a proper footpath in connexion therewith.

(5.) The stopping up and discontinuance of the use for public traffic of so much of the public highway in the parish and township of Folkestone in the county of Kent leading from Coolinge Lane to the Cheriton Road as lies between its junction with the last-named road and a point on the said highway opposite to the northern side of the Shorncliffe Inn and also the removal of the bridge over the Company's railway and the approaches thereto.

(6.) The stopping up and discontinuance of the use for public traffic of the parts herein-after described of the following footpaths in the parish of Bromley in the county of Kent namely :—

(1.) So much of the footpath leading from the London Road to Tweedy Road as lies between the north-west corner of the College field fronting the London Road and the junction of the said College Road and Tweedy Road.

(2.) So much of the footpath leading from the said London Road to Farwig Lane of the length of 350 yards or thereabouts as lies between the south-west corner of the said College field fronting the said London Road and the north-east corner of the same field at the point where the same footpath joins the footpath leading from the Bromley National Schools to Farwig Lane.

and the substitution in lieu thereof of two new roads leading from the said London Road to College Road and Tweedy Road respectively Provided that the said footpaths shall not be stopped up or discontinued for public traffic until the said substituted roads shall have been completed to the satisfaction of the Bromley Local Board and opened to the public.

(7.) The stopping up and the discontinuance of the use for public traffic of so much of York Place in the parish of St. Martin-in-

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the-Fields in the county of Middlesex as lies between Buckingham Street and Villiers Street.

Crossing Gravesend Railway.

44 & 45 Vict. c. cxliv.

13. If the Northfleet and Snodland Loop shall be carried through or over any part of the lands in the parish of Northfleet which the Gravesend Railway Company are or may be authorised to acquire for the purposes of their railway under the powers of the Gravesend Railway Act 1881 the works of the Northfleet and Snodland Loop where it passes through or over the said lands shall be constructed according to plans drawings and specifications to be agreed upon by the engineers of the Company and the Gravesend Railway Company respectively or in the event of difference by an engineer to be appointed on the application of either company by the Board of Trade it being the object and intention of this enactment that the Northfleet and Snodland Loop shall be carried through or over the lands referred to so as not to interfere with the proper construction through or over the same lands of the railway authorised by the Gravesend Railway Act 1881.

Regulating construction of bridges over roads within limits of metropolis.

14. In the widening of the London and Greenwich Railway by this Act authorised and the works connected therewith the following rules shall be observed:

(1.) The bridge for carrying the railway over Deptford High Street shall be a girder bridge with one clear span of not less than forty-seven feet throughout measured on the square and with a clear headway of not less than sixteen feet for the entire width of such bridge and the said bridge shall be formed of an ornamental character to the reasonable satisfaction of the engineer of the Metropolitan Board of Works.

(2.) All bridges to be constructed by the Company under the powers of this Act within the limits of the metropolis over streets or roads shall be watertight and so constructed as to deaden so far as is practicable the sound of engines carriages and traffic passing over them.

(3.) The Company shall not commence the erection of any such bridge until they shall have given to the Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the said board with plans elevations sections and other necessary particulars of the construction of the said bridges nor until the said board shall have signified their approval of the same unless the board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid in which

event the Company may proceed forthwith with the works according to the said plans elevations and sections.

(4.) The Company shall comply with and conform to all reasonable directions and regulations of the said board in the execution and subsequent maintenance of the bridges and works connected therewith and shall save harmless the said Metropolitan Board of Works and also the Board of Works for the Greenwich district against all and every expense to be occasioned thereby and all such works shall subject to the provisions of the Act be done to the reasonable satisfaction of the engineer or other officer or officers of the said Metropolitan Board of Works at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said Metropolitan Board may be put to by reason of the works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the said board by the Company on demand.

Protection of sewers in the metropolis.

15. 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 defence or work under the jurisdiction or control of the Metropolitan Board of Works or of any district board of works constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any sewers or works to be made or executed by the said boards or either of them or shall or may in any way affect the sewerage or drainage of the districts under their control the Company shall not commence such works until they shall have given to the said Metropolitan Board or to the district board as the case may be twenty-one days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto. And until such board shall have signified their approval of the same unless such board do not signify their approval disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said Metropolitan Board and of the district board in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred

18 & 19 Vict. c. 120.

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to by reason of the said intended works or any part thereof and shall save harmless the said boards respectively 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 said Metropolitan Board or district board as the case may be at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said Metropolitan Board or district board may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such board by the 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 Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Metropolitan Board or district board as the case may be as any sewers or works now or hereafter may be. And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said respective boards or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Prohibition of placards and advertisements.

16. The Company shall not exhibit, or permit to be exhibited upon any part of the railway and works by this Act authorised and within view of any public street within the metropolis any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the Metropolitan Board of Works.

Company not to interfere with London Chatham and Dover Railway without consent.

17. The Company shall not for the purpose of making the intended railway number 1 under the London Chatham and Dover Railway acquire any ownership of or in any land or property of the London Chatham and Dover Railway Company but the Company shall acquire only an easement or right for the so making maintaining and using of the intended railway number 1 under the London Chatham and Dover Railway and the Company shall not enter upon or interfere with the London Chatham and Dover Railway or any of the lands or works of the London Chatham and Dover Railway Company or execute any work whatsoever under or affecting the same until there shall have been delivered to that company by the Company plans drawings and specifications of the works intended to be executed under or affecting the London Chatham and Dover

Railway and the lands and works thereof the plans drawings and specifications to describe the manner of executing the intended works and the materials to be used for the purpose nor until those plans drawings and specifications have been examined and approved in writing under his hand by the engineer of the London Chatham and Dover Railway Company or in the event of his failing to approve the same for one calendar month after the plans drawings and specifications have been delivered to that company until the same have been examined and approved by an engineer to be appointed by the Board of Trade and the same works shall be executed by the Company at their sole expense and shall in like manner be subsequently maintained by the Company in all things according to the approved plans drawings and specifications under the superintendence and to the reasonable satisfaction of the engineer of the London Chatham and Dover Railway Company.

Company to pay to London Chatham and Dover Company expenses of watchmen during construction of works.

18. The Company shall bear and on demand pay to the London Chatham and Dover Railway Company the expense of the employment by them during the making of the railway number 1 by this Act authorised under and adjacent to the line of the London Chatham and Dover Railway of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident to arise from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise.

Penalty for interruption of traffic on London Chatham and Dover Railway.

19. If by reason of any works or proceedings of the Company with reference to the railway number 1 there shall be any obstruction of or interference with the London Chatham and Dover Railway so as to prevent or impede the convenient passage of engines and carriages along the same the Company shall pay to the London Chatham and Dover Railway Company the sum of fifty pounds by way of ascertained damages for every hour during which that obstruction or interference continues.

Damages sustained by London Chatham and Dover Company to be repaid.

20. The Company shall from time to time be responsible for and make good to the London Chatham and Dover Railway Company all costs losses damages and expenses from time to time occasioned to that company or to their railway or to any of the works or property thereof or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of any of the works of or incidental to the intended railway number 1 or any act or omission of the Company or any of the persons in their employ or their contractors or others and the Company

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shall effectually indemnify and hold harmless the London Chatham and Dover Railway Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission.

Regulating construction of bridge over River Medway.

21. The bridge for carrying the railway by this Act authorised over the River Medway shall be carried parallel with and as nearly as practicable close to the bridge which carries the London Chatham and Dover Railway over the River Medway but so always as not to impede or interfere with the working or opening of the opening span of that bridge unless with the approval of the Lord High Admiral or the said Lords Commissioners such bridge shall be constructed as a fixed bridge and the abutments piers and spans of such bridge for the said intended railway shall be constructed identical in form and dimensions and immediately opposite or in continuation with the abutments piers and spans of the said London Chatham and Dover Railway bridge and the navigation cut and opening span to be constructed by the Company as part of their bridge over the River Medway shall be similar to and in the same line as the cut invert and opening in the said London Chatham and Dover Railway bridge.

Admiralty approval of bridge.

22. Previously to commencing the intended railway bridge over the River Medway or the works connected therewith or any alteration thereof the Company shall deposit at the Admiralty Office and at the office of the town clerk of the city of Rochester plans sections and working drawings of the said bridge and works connected therewith for the approval of the Lord High Admiral of the United Kingdom of Great Britain and Ireland or the Commissioners for executing the office of Lord High Admiral aforesaid such approval to be signified in writing under the hand of the Secretary of the Admiralty after hearing any objections which may be made thereto by the corporation of the said city if they shall so think fit and such bridge and works shall be constructed only in accordance with such approval and when any such bridge or works shall have been commenced or constructed it shall not be lawful for the Company at any time to alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval and if any such bridge or works shall be commenced or completed or be altered extended or constructed contrary to the provisions of this Act it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral to abate alter and remove the same and to restore the site thereof to its former condition at the cost and charge of the Company and the amount thereof shall be a debt

due from the Company to the Crown and be recoverable accordingly with costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Company.

Lights to be exhibited during construction of bridge.

23. During the construction of the said railway bridge and works connected therewith the said Company shall cause to be hung out or exhibited every night from sunset to sunrise a light to be kept burning by and at the expense of the Company for the navigation and safe guidance of vessels and for ever after the completion of the said bridge the said Company shall cause to be hung out or exhibited at or upon the opening span of the said bridge every night from sunset to sunrise a good and sufficient light to be kept burning by and at the expense of the Company for the navigation and safe guidance of vessels and which lights during and after the completion of the said bridge and their positions shall be from time to time altered by the said Company in such manner and be of such description and be so used as the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral shall by writing under the hand of the Secretary of the Admiralty approve of and in case the said Company shall neglect to exhibit and keep either or any of such lights burning as aforesaid they shall forfeit and pay for every such neglect the sum of ten pounds.

Periods for completion of foundations for opening bridge &c. and viaduct.

24. The foundations for the arch and the abutments of the said navigation cut and opening or swing-bridge or draw-bridge so to be constructed by the said Company shall be completed within twelve months from and after the commencement of the said arch of the abutments or bridge or the works connected therewith and the foundations for the piers and abutments of the said railway bridge or viaduct shall be completed by the said Company up to low-water mark of ordinary neap tides in the said river within one year and six months from the commencement of the said works provided always that in the event of the completion of the said last-mentioned works respectively being delayed beyond the said respective periods of twelve and eighteen months the said Company shall forfeit and pay a penalty of ten pounds per day for every day during which the completion of such works shall be so delayed such penalty to be recovered as a debt due to the Crown with the costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Company.

Admiralty to establish regulations for opening and closing swing-bridge or draw-bridge.

25. It shall be lawful for the said Lord High Admiral or the said Lords Commissioners for the time being if he or they shall think fit to establish and fix at any time and from time to time in writing under the hand of the Secretary of the Admiralty such rules and regulations as he or they may think necessary respecting

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the opening the swing-bridge or draw-bridge for the passage of such vessels through such navigation cut as aforesaid and the closing the same and the expense attending such opening and closing of such swing-bridge or draw-bridge shall in all cases be from time to time defrayed by the said Company and the said Company or any person infringing all or any of such rules and regulations shall for every such offence forfeit any sum not exceeding ten pounds.

Admiralty may allow variations of plan.

26. Provided always that after the consent and approbation of the Lord High Admiral or the said Lords Commissioners for executing the office of Lord High Admiral for the time being shall have been obtained to the construction of any of the works hereby authorised or directed to be constructed it shall be lawful for the said Lord High Admiral or the said Lords Commissioners for the time being (at the request of the said Company) if he or they shall think fit so to do from time to time to consent to and approve of any variation in the construction of the said works and any extension of the time for executing the same as he or they may think proper provided that every such consent and approbation be testified in like manner as is herein-before required respecting the giving or expressing such previous consent and approbation.

Company not to detain vessels.

27. It shall not be lawful for the Company or any person or persons acting under them to detain any vessel barge or boat navigating the River Medway for a longer space of time than may be sufficient to admit of any carriages or trains regularly traversing the said railway and approaching the said bridge to cross the said River Medway and for opening the said bridge to admit such vessel barge or boat to pass and in case the Company or any person or persons acting under them shall detain any such vessel barge or boat contrary to the provisions of this Act or demand take or receive any toll for the passage of any person or persons vessel barge or boat the said Company or every person so offending shall in every such case forfeit and pay the sum of ten pounds but nothing in this Act shall prevent any remedy for damages which any party may sustain in respect of any such detention as aforesaid.

Expenses of survey by Admiralty.

28. That if at any time or times it shall be deemed expedient by the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral to order a local survey and examination of any works of the Company in over or affecting any tidal water or navigable river or of the intended site thereof the Company shall defray the costs of every such local survey and examination and the amount thereof shall be a debt due to Her Majesty from the Company and if not paid upon demand may be recovered as a debt due to the Crown with the costs of suit

or may be recovered with costs as a penalty is or may be recoverable from the Company.

If works abandoned Admiralty may remove same.

29. That if any bridge or work to be constructed by the Company in or across any tidal water or navigable river or if any portion of the bridge or work which affects any such water or river or access thereto shall be abandoned or suffered to fall into disuse or decay it shall be lawful for the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral to abate and remove the same or such part or parts thereof as he or they may at any time or times deem fit and proper and to restore the site thereof to its former condition at the cost and charge of the Company and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs of suit.

Protection of barges of owners navigating through Rochester Bridge.

30. Unless the bridge over the River Medway by this Act authorised shall be constructed close to the existing railway bridge across that river with the concurrence and to the satisfaction of the Lords of the Admiralty as herein-before provided then the Company shall provide such steam-tug power on such terms and to such extent and during such period as an arbitrator appointed by the Board of Trade on the application of the corporation of Rochester may from time to time direct having regard to any difficulties caused by the bridge to the navigation of the said river by barges and lighters.

Bridges over streets in city of Rochester.

31. All bridges to be constructed by the Company under the powers of this Act within the limits of the city of Rochester over streets or roads shall be watertight and so constructed as to deaden so far as is practicable the sound of engines carriages and traffic passing over them.

Protection of corporation of Rochester,

32. The Company shall not execute or commence the erection of the bridge across the River Medway or any of the bridges across the streets of the city of Rochester respectively until they shall have given to the corporation twenty-one days notice in writing of their intention to commence the same with plans elevations and sections of the construction of the said bridges and until the corporation shall have signified their approval of the same unless the corporation fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivering of the said plans elevations and sections as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the corporation in the execution and subsequent maintenance of the said bridges and shall save harmless the corporation against all and every expense to be

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occasioned thereby and all such works shall be done under the superintendence and to the reasonable satisfaction of the engineer or other officer or officers of the corporation at the costs charges and expenses in all respects of the company and all reasonable costs charges and expenses which the corporation may be put to in connexion with the provisions for their protection herein-before contained shall be paid to the corporation by the company on demand and in case of default may be recovered by the corporation as any ordinary simple contract debt of the like amount.

Rochester Town Quay.

33. Whenever the Company shall shut up or take away or in any manner obstruct the free use and enjoyment of the quay in the city of Rochester known as the Town Quay they shall at their own expense forthwith to the reasonable satisfaction of the corporation provide a convenient substituted Town Quay of at least equal extent.

Saving rights of corporation of Rochester.

34. Save as in this Act expressly provided nothing herein contained shall extend or be construed to take away lessen prejudice alter damage or affect any estate right title or interest of the mayor aldermen and citizens of the city of Rochester of in or to the bed soil banks and shores of the River Medway or of or to all or any arms creeks streams and indraughts thereof or otherwise or of in or to any tolls dues duties rents issues franchises profits powers or authorities customs immunities rights or privileges of or belonging to the said mayor aldermen and citizens of the city of Rochester.

Differences with corporation of Rochester to be settled by arbitration. 22 & 23 Vict. c. 59.

35. Provided always and it is hereby expressly declared that any differences which may arise as to the construction of the provisions herein-before contained for the protection of the corporation of Rochester or as to the obligations of the Company thereunder shall be referred to arbitration under the provisions of the Railway Companies Arbitration Act 1859 and for that purpose the corporation shall be deemed to be a railway company within the meaning of that Act.

Protection of lands of John Ross Foord and others.

36. The railway shall be carried on viaduct through the lands of John Ross Foord Charles Ross Foord Thomas Hellyar Foord Edward Ross Foord William Wildash Foord Mary Foord and Elizabeth Sarah Wildash Foord numbered on the deposited plans 98 99 100 101 102 102a and 103 in the parish of St. Nicholas Rochester and the lands of the London Chatham and Dover Railway Company numbered on the said plans 105 106 107 108 109 109a and 109b also in the said parish and not further riverward than fifteen feet north of the centre line of such railway as shown on those plans and shall be constructed so as to admit of free com-

munication at the two points herein-after mentioned between the London Chatham and Dover Railway and those lands provided for by the Medway Docks Act 1866 and so as not to interfere with the construction of a road alongside and to the north of the railway between the Gas House Road and the boundary line between the lands numbered on the deposited plans 96 and 98 in the said parish of Saint Nicholas Rochester and the railway shall be carried across the road leading from High Street Rochester to Furrells Wharf on the River Medway by a bridge of a clear headway of not less than fifteen feet and of a clear span throughout not less than the present width of the road and the Company shall indemnify the said John Ross Foord Charles Ross Foord Thomas Hellyar Foord Edward Ross Foord William Wildash Foord Mary Foord and Elizabeth Sarah Wildash Foord against all actions claims or demands of the London Chatham and Dover Railway Company to arise or to be occasioned by reason or on account of the said John Ross Foord Charles Ross Foord Thomas Hellyar Foord Edward Ross Foord William Wildash Foord Mary Foord and Elizabeth Sarah Wildash Foord being prevented by anything in this Act contained from carrying into effect the provisions of the said section 26 of the London Chatham and Dover Railway Act 1879 or the agreement entered into under that Act between the said John Ross Foord Charles Ross Foord Thomas Hellyar Foord Edward Ross Foord William Wildash Foord Mary Foord and Elizabeth Sarah Wildash Foord and that company dated the 8th day of May 1879. Nothing in this section contained shall be construed to prejudice the Company in any application hereafter by them for power to connect their railway with the lands riverward of the said railway.

29 & 30 Vict. c. ccxxix.

42 & 43 Vict. c. xlv.

37. Provided always that before commencing to construct the said viaduct through the lands of John Ross Foord and others mentioned in the immediately preceding enactment plans and sections of the intended bridges for giving convenient access to the lands belonging to the said John Ross Foord and others which the London Chatham and Dover Railway Company were authorised by the London Chatham and Dover Railway Act 1879 to acquire as aforesaid and the lands in the parish of Saint Nicholas Rochester in the county of Kent adjacent thereto which that Company are empowered to acquire by the London Chatham and Dover Railway (Further Powers) Act 1881 at two points to be agreed on between the engineers of the South-eastern and the London Chatham and Dover Companies shall be submitted to the engineer of the London Chatham and Dover Company who shall signify his assent to or disapproval of the same within one month of such submission and if any difference shall arise between the Company and the London

Provision as to lands acquired by London Chatham and Dover Railway Company from John Ross Foord and others.

44 & 45 Vict. c. cxxix.

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Chatham and Dover Railway Company as to the nature and character of the works for the construction of such bridges or the facilities to be secured to the latter Company for passing under and using the same for any of the purposes of their undertaking the same shall be determined by the president of the Institute of Civil Engineers or by some engineer to be named by him.

Inclination of certain road.

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

No. on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
25	Halling	Public	1 in 17

Period for completion of railways and works.

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

Vesting of site of roads stopped up.

40. The site and soil of the parts of roads and footpaths stopped up and discontinued under this Act shall if the Company are or if and when they become the owners of the land on both sides thereof be vested in the Company freed from all public and private rights and they may appropriate the same for the purposes of their undertaking.

Power to acquire additional lands.

41. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may purchase and acquire by compulsion or otherwise and hold for the purpose of enlarging and extending their stations and siding accommodation and for roads and approaches and for other purposes of their undertaking all or any of such of the lands and buildings following as are delineated on the deposited plans and described in the deposited books of reference relating thereto (namely):

(*a.*) Lands and houses in the parish of St. Mary Magdalen Bermondsey in the county of Surrey being Nos. 232 234 236 238 240 and 242 Lynton Road.

(*b.*) Land in the parish of Frindsbury in the county of Kent situate over and on both sides of the railway tunnel at the London end of the Strood Station and in the occupation of Mary Ann Savage.

(*c.*) Lands in the said parish of Frindsbury contiguous to the lands lastly described and adjoining the sidings of the Company's coal depôt at the canal basin and in the occupation of Richard Heath.

(*d.*) Lands in the parish of Tunbridge in the county of Kent being the houses numbered 1 2 3 4 5 6 7 8 9 and 10 St. James's Cottages St. James's Passage Tunbridge Wells.

Land of John Allan Rolls not to be taken without consent.

42. The Company shall not take use or purchase for any purpose whatsoever any of the lands or hereditaments belonging to John Allan Rolls Esquire in the parish of St. Mary Magdalen Bermondsey in the county of Surrey described in the deposited plans and books of reference without the previous consent in writing of the said John Allan Rolls or the person or persons for the time being entitled to the rents of his estate.

Power to acquire lands for experimental borings, &c. in connexion with Channel tunnel.

43. Subject to the provisions of this Act the Company may purchase and acquire by compulsion or otherwise and hold for the purposes of experimental borings and other works in connexion with the construction of a tunnel under the English Channel all or any such of the lands following as are delineated on the deposited plans and described in the deposited books of reference, namely :—

Certain lands including the beach and foreshore in the parish of Hougham in the county of Kent in the occupation of Thomas Vickers John Norris Thomas Broadly Stephen Dale and the Lords Commissioners of the Admiralty which said lands are bounded on the north by an imaginary line drawn from a point at the boundary of the parishes of Capel le Ferne and Hougham about twenty yards east from the Royal Oak Inn on the Folkestone and Dover turnpike road and running in a south-easterly direction to about fourteen yards south of Abbotscliffe House thence in an easterly direction to the northernmost building of Lydden Spout coastguard station thence in a straight line in a north-easterly direction to the road in front of the Townsend coastguard station on the east by a line extending from the last named point direct south to the sea on the south by the sea beach and foreshore and on the east by the said parish boundary extending from a point on the said Dover and Folkestone turnpike road about twenty yards east of the said Royal Oak Inn southwards to the sea. Provided that nothing in this or in the next following section contained shall authorise the Company to take use or in any manner interfere with any land soil or mineral substances or any rights of whatsoever nature belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown and under the man-

Crown lands not to be taken without consent of Commissioners of Woods, &c.

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agement of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the previous consent in writing of the same commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such commissioners are hereby respectively authorised to give) and as incidental to any such consent as aforesaid the Company may enter into any agreement with the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them who respectively may with the approval of the Commissioners of Her Majesty's Treasury join in every such agreement and the said Commissioners of Her Majesty's Woods Forests and Land Revenues with the like approval and the Company may respectively execute all necessary conveyances leases licenses or other deeds of or relating to any land soil mineral substances or rights belonging to Her Majesty in right of Her Crown and under the management of the same commissioners and every agreement so entered into as aforesaid shall be performed by the same commissioners and the Company respectively And nothing in the said Act contained shall divest take away prejudice diminish or alter any estate right privilege power or authority now or from time to time vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors Provided also that nothing contained in this Act shall authorise the Company to take or interfere with any land below high water mark under the management of the Board of Trade without the previous consent in writing of the Board of Trade.

Lands below high water mark not to be interfered with without consent of Board of Trade.

Power to take temporary possession of lands for purposes of experimental borings.

44. With respect to the lands mentioned in the last foregoing section the following provisions shall have effect:—

(1.) The Company at any time before the expiration of the period by this Act limited for the compulsory purchase of land for the purposes of this Act may enter on occupy and use for any of the purposes mentioned in the last foregoing section all or any of the said lands without making any previous payment tender or deposit.

(2.) The Company shall before entering on any such lands under this section give three weeks notice in writing to the owners and occupiers of the lands of their intention to enter on and take temporary possession of the lands for the purposes aforesaid and shall in the notice state the substance of the provisions herein-after contained respecting the right of the owner and occupier to receive compensation for the temporary occupation of the land.

(3.) The notice shall either be served personally on the owners and occupiers or left at their last usual place of abode if any such can after diligent inquiry be found and if any such owner is absent from the United Kingdom or cannot be found after diligent inquiry shall also be left with the occupier of the land or if there is no such occupier shall be affixed on some conspicuous part of the land.

(4.) The Company shall within one month after their entry on the lands on being required so to do pay to the occupier of the land the value of any crop or dressing that may be thereon as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his land and shall also from time to time during their occupation of the land pay half-yearly to the occupier or to the owner of the land as the case may require a rent to be fixed by two justices in case the parties differ and shall also within six months after they have ceased to occupy the land and not later than six months after the expiration of the time by this Act limited for the completion of the railways by this Act authorised pay to the owner and occupier or deposit in the bank for the benefit of all parties interested as the case may require compensation for all permanent or other loss damage or injury that may have been sustained by them by reason of the exercise as regards the land of the powers hereby granted including the full value of all clay stone gravel sand and other things taken from the land.

(5.) The amount and application of the compensation payable by the Company in any of the cases aforesaid shall be determined in the manner provided by the Lands Clauses Consolidation Act 1845 for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

(6.) If the Company comply with the requirements of this section with respect to any such land they shall not be required to purchase the land.

Company to accept conditions imposed by Her Majesty in Council as to Channel tunnel.

45. In case the construction of a tunnel between England and France shall hereafter be authorised by Parliament the Company shall if in any way concerned in the execution of such work accept such conditions with respect to the same either in accordance with the said report and memorandum of the said commissioners laid before Parliament in 1876 or otherwise as Her Majesty may by Order in Council impose pursuant to any arrangements made or to be made between the Governments of this country and of France and the passing of this Act shall not be deemed to give to the

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Company any right or claim with respect to the construction of any such tunnel as aforesaid.

Company not to take constguard station at Townsend.

46. The Company shall not without the consent of the commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland to be signified in writing under the hand of the Secretary of the Admiralty take any portion of the properties numbered 40 41 & 43 on the deposited plans in the parish of Hougham and county of Kent on which the coastguard station at Townsend now stands.

Period for compulsory purchase of lands.

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

Lands for extraordinary purposes.

48. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres.

Notice to be given of taking houses of labouring classes.

49. The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of labouring classes to be displaced.

50. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on such lands erect labouring class dwellings and may let or otherwise dispose of such lands.

Power to take easements, &c. by agreement.

51. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any

such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Transfer to Company of undertakings of Westerham Hundred of Hoo, and West Wickham Companies.

52. The Westerham Company Hundred of Hoo Company and West Wickham Company (each of which companies is herein-after referred to as the "vesting company") shall sell and transfer and the Company shall purchase the undertaking of each of the vesting companies on the terms and conditions following namely—

(*a.*) The transfer shall take effect from the date of the passing of this Act and as from that day the vesting company shall be dissolved and the undertaking of the vesting company shall be vested in the Company and that day shall for the purposes of Part V. of the Railways Clauses Act 1863 and of this Act be deemed to be the time of amalgamation.

(*b.*) The consideration for the purchase shall be in the case of the Westerham Company such sum not exceeding seventy thousand pounds as may be agreed on and in the case of each of the other vesting companies such sum not exceeding the authorised capital of the vesting company as may be agreed on and shall be paid in stock of the Company of the nominal amount so agreed on bearing interest at such rate and secured in such manner as herein-after appears.

(*c.*) The stock shall be respectively denominated South-eastern Four per Cent. Westerham Company Hundred of Hoo Company and West Wickham Company Stock as the case may be and the holders thereof shall be entitled to interest thereon for each year at the rate of four pounds per centum and the whole undertaking of the Company shall be charged subject to mortgages and debenture stock with the payment to the respective holders of the Westerham Company Hundred of Hoo Company and the West Wickham Company Stock of interest at that rate.

(*d.*) The Company shall create stock in their undertaking of the above mentioned amount and description and shall deliver certificates therefor to the vesting company and a receipt or discharge signed by any three directors of the vesting company for purchase-money or the certificates as the case may be shall be a sufficient discharge for the same.

(*e.*) As from the time of amalgamation each proprietor of shares in the Westerham Company Hundred of Hoo Company and the West Wickham Company shall in substitution for such shares become and be the proprietor of an equal amount of the

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stock so delivered and the substituted stock shall become and be subject and liable to the trusts provisions agreements charges liens and incumbrances (if any) which immediately before the substitution affected the shares for which the same is substituted and in any testamentary instrument taking effect after the substitution words referring to the last mentioned shares shall unless a different intention is expressed be deemed to refer to the substituted stock.

(*f.*) The directors of the Westerham Company Hundred of Hoo Company and the West Wickham Company shall as soon as may be after the time of amalgamation deliver to each proprietor of shares in the respective company in exchange for his certificates for those shares a certificate for an equal amount of substituted stock but until the exchange is effected a certificate for shares in the respective company shall as from the time of amalgamation be deemed to be a certificate for an equal amount of substituted stock.

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

Transfer to Company of undertaking of Loose Valley Company.

53. From and after the passing of this Act all the lands acquired or contracted for by the Loose Valley Company and all real and personal property belonging to that company and all the powers rights privileges and authorities granted to that company by their Acts shall be and are hereby transferred to and vested in the Company and the Company may exercise all the powers, and shall be subject to the duties and liabilities conferred or imposed on or incurred by the Loose Valley Company with respect to the undertaking of that company and the Loose Valley Company shall forthwith proceed to wind up its affairs, and shall thereupon and by virtue of this Act be dissolved.

Brighton Company may become joint owners of Godstone Railways.

54. If within nine months after the passing of this Act the Brighton Company with the consent of the proprietors of that company holding at least three fourths of the paid-up capital represented in person or by proxy at a special meeting of that company duly convened to consider the matter deliver a request in

writing under their common seal to the secretary of the Company that the Brighton Company may become joint owners of the Godstone Railway and the Godstone Village Extension Railway the Brighton Company shall be admitted to such joint ownership on such terms and conditions as may be agreed on between the Company and the Brighton Company or as in default of agreement may be determined on arbitration to be reasonable.

Penalty imposed unless railways are opened within the time limited.

55. If the Company fail to complete within the period limited by this Act or as to the railways authorised by the Acts relating to the Westerham Company the Loose Valley Company the Hundred of Hoo Company and the West Wickham Company within the respective periods limited by those Acts any of the railways or works which they are authorised by this Act to construct or complete or the time for the completion of which is extended by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway or work is completed and opened for public traffic or until the sum received in respect of that penalty amounts to five per centum on the estimated cost of the railway or work. This penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 Every sum of money recovered by way of such penalty shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice in England in the bank and to the credit specified in the warrant or order and shall not be paid thereout except as herein-after provided No penalty shall accrue in respect of any time during which it appears by a certificate of the Board of Trade that the Company was prevented from completing or opening the railway or work by unforeseen accident or circumstances beyond their control but the want of sufficient funds shall not be held to be a circumstance beyond their control.

17 & 18 Vict. c. 31.

Application of penalty

56. Every sum of money so recovered by way of penalty 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 railway or work or any portion of the railway or work in respect of which the penalty has been incurred or who may have been

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subjected to injury or loss in consequence of the compulsory power conferred upon the Company of taking property for the purposes of the railway or work and have received no compensation or inadequate compensation for the injury or loss and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit If no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty is found sufficient to justify all just claims in respect of the compensation then the sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to the Crown and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division of the High Court of Justice on the application of the solicitor of Her Majesty's Treasury thinks fit to order 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.

Release of Westerham Company's deposit.

57. Subject to the provisions of section 26 of the Westerham Valley Railway Act 1876 with respect to the payment of compensation to landowners and others injured and for the protection of creditors the Chancery Division of the High Court of Justice shall on production of a copy of this Act and 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 Act of the ninth year of Her present Majesty chapter 20 in respect of the Westerham Valley Railway Act 1876 or the survivors or survivor of those persons order the payment and transfer to them or him of the sum deposited with respect to the last-mentioned Act and any interest or dividends which may have accrued thereon.

Release of Loose Valley Company's deposit.

58. Subject to the provisions of section 37 of the Loose Valley Railway Act 1877 with respect to the payment of compensation to landowners and others injured and for the protection of creditors the Chancery Division of the High Court of Justice shall on production of a copy of this Act and on the application of the person or persons or the majority of the persons named in the warant or order issued in pursuance of the Act of the ninth year of Her present Majesty chapter 20 in respect of the Loose Valley Railway Act 1877 or the survivors or survivor of those persons order the payment and

transfer to them or him of the sum deposited with respect to the last-mentioned Act and any interest or dividends which may have accrued thereon.

Release of Hundred of Hoo Company's deposit.

59. Subject to the provisions of section 33 of the Hundred of Hoo Railway Act 1879 and section 15 of the Hundred of Hoo Railway Extension Act 1880 with respect to the payment of compensation to landowners and others injured and for the protection of creditors the Chancery Division of the High Court of Justice shall on production of a copy of this Act and on the application of the person or persons named in the warrants or orders issued in pursuance of the Act of the ninth year of Her present Majesty chapter 20 in respect of the Hundred of Hoo Railway Act 1879 and the Hundred of Hoo Railway Act 1880 or the survivors or survivor of those persons order the payment and transfer to them or him of the sums deposited with respect to the said Hundred of Hoo Railway Act 1879 and the Hundred of Hoo Railway Act 1880 and any interest or dividends which may have accrued thereon respectively.

Release of West Wickham Company's deposit.

60. Subject to the provisions of section 25 of the West Wickham and Hayes Railway Act 1880 with respect to the payment of compensation to landowners and others injured and for the protection of creditors the Chancery Division of the High Court of Justice shall on production of a copy of this Act and on the application of the person or persons named in the warrant or order issued in pursuance of the Act of the ninth year of Her present Majesty chapter 20 in respect of the West Wickham and Hayes Railway Act 1880 or the survivors or survivor of those persons order the payment and transfer to them or him of the sum deposited with respect to the last-mentioned Act and any interest or dividends which may have accrued thereon.

Certain Railways to form part of railways of Company.

61. The railways authorised by this Act and by the Acts relating to the Westerham Company the Loose Valley Company the Hundred of Hoo Company and the West Wickham Company shall for all purposes including the levying of tolls fares rates and charges be deemed to be part of the railways of the Company provided that in the case of a railway authorised by any Act other than this Act the Company shall not demand or take any tolls rates fares and charges exceeding those which they would have been entitled to demand under the Act by which the railway is authorised.

Amendment of provision as to agreements with respect to Boulogne Harbour.

62. Section 13 of the South-eastern Railway Act 1874 shall as regards all powers of agreement with reference to the improvement or enlargement of Boulogne Harbour or the construction of a new harbour at Boulogne therein contained be read as if the words

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"either jointly or separately" were therein inserted, instead of the word "jointly" Provided always that it shall be lawful for the London Chatham and Dover Railway Company at any time hereafter to become joint participators with the Company in any arrangement to be made by the Company under the provisions herein-before and in the said Act of 1874 contained upon their paying to the Company one half of the cost incurred by the Company in making and carrying out such arrangements together with interest thereon at the rate of five pounds per centum per annum.

And if the powers herein-before granted shall be exercised by the Company it shall in like manner be lawful for the London Chatham and Dover Railway Company to make and carry into effect agreements with reference to the improvement or enlargement of Calais Harbour or the construction of a new harbour at Calais with all or any of the authorities companies or persons following that is to say the French Government the Northern of France Railway Company and any other French Railway Company the town authorities of Calais and any company or person to whom any concession may be granted by the French Government for or with reference to either the improvement or enlargement of Calais Harbour or the construction of a new harbour at Calais and as to the contribution by the London Chatham and Dover Railway Company towards the moneys to be expended on such harbour works or the guarantee of interest on those moneys and it shall be lawful for the Company at any time to become joint participators with the London Chatham and Dover Railway Company in any such agreements upon their paying to the last-named company one half of the cost incurred by that company in making and carrying out such agreements together with interest thereon at the rate of five pounds per centum per annum.

Company may provide and maintain hotels.

63. The Company may hold enjoy and maintain the hotels now belonging to or held by them and may build provide lease and maintain hotels at Charing Cross Cannon Street Folkestone Dover Hythe Sandgate Margate Ramsgate Maidstone Hastings St. Leonard's Tunbridge Wells or any of those places in connexion with their several railways, and may furnish stock manage and conduct any such hotel and the business thereof and may employ officers managers and servants therein or in connexion therewith and may acquire and hold land for any of these purposes and may apply their corporate funds to any of these purposes and expenditure already incurred by the Company in or about any of the before-mentioned purposes not exceeding fifty thousand pounds is hereby sanctioned and confirmed and the Company may for all or any of

these purposes appoint a committee or committees of management being directors of the Company on such terms and with such powers and duties as the directors think fit.

Provisions as to capital and borrowing to apply to Brighton Company.

64. The provisions of this Act with respect to the raising of money by the Company by means of shares or stock and by borrowing shall apply to the Brighton Company as fully as if those provisions were in this Act expressly repeated concerning that company and concerning the money which under the powers of this Act they are authorised to raise except that the powers by this Act granted to the Company of raising money by the issue of shares or stock shall be diminished to the extent of any sums of money which the Brighton Company may by virtue of the powers by this Act conferred on them pay to the Company in consideration of their becoming such joint owners as aforesaid.

Power to make working agreements as to railways and tramways in Hythe Newington and Cheriton. 33 & 34 Vict. c. 78.

65. The Company on the one hand and the mayor aldermen and burgesses of Hythe the Seabrook Estate Company Limited or any other person or body of persons on the other hand may from time to time subject to the provisions of the Tramways Act 1870 make and carry into effect agreements with respect to all or any of the following purposes namely—

(*a.*) The maintenance or management of any tramways or railways constructed or to be constructed in the parishes of Hythe Newington-next-Hythe and Cheriton in the county of Kent or any of those parishes.

(*b.*) The use and working of any such tramway or railway or of any part thereof and the conveyance of traffic thereon.

(*c.*) The fixing collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic.

Provided that no such agreement shall authorise the demanding or taking of tolls or charges in excess of those for the time being authorised with respect to the tramway or railway to which the agreement relates.

Power to subscribe further to undertaking of Cranbrook &c. Railway Company.

66. Sections 17 and 18 of the Cranbrook and Paddock Wood Railway Act 1877 shall have effect as if the maximum sum thereby authorised to be subscribed by the Company towards the undertaking of the Cranbrook and Paddock Wood Railway Company were one hundred thousand pounds instead of fifty thousand pounds.

Power to raise additional capital.

67. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 and of this Act raise any additional capital not exceeding in the whole three hundred and ninety-nine thousand pounds by the issue at their option of new ordinary

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shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any one share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of the share has been paid in respect thereof.

Calls.

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

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

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

Power to borrow.

70. The Company may in respect of the additional capital of three hundred and ninety-nine thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole one hundred and thirty-three thousand pounds but no part thereof shall be borrowed until the shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as

he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

71. All mortgages or bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

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

Company may apply corporate funds to purposes of Act.

73. The Company may apply to the purposes of this Act any money which they have raised or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purpose to which it is by any such Act made specially applicable.

Interest not to be paid on calls paid up.

74. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made in conformity with the Companies Clauses Consolidation Act 1845.

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

75. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standorder 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.

Brighton Company may raise capital in certain event.

76. If the Brighton Company elect to become joint owners of the Godstone Railway and the Godstone Village Extension Railway that company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by shares or stock any sum not

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exceeding in the whole fifty thousand pounds that being the sum which it is estimated that they may be called upon to pay as the consideration for their becoming such joint owners and they may also raise by mortgage of their undertaking or by the issue of debenture stock the sum of sixteen thousand pounds and all the provisions of this Act with respect to the raising of money by the Company by means of shares or stock and by borrowing shall apply to the Brighton Company as fully as if those provisions were herein expressly repeated concerning that company and concerning the money which under the power of this Act they are authorised to raise.

Saving rights of the Crown in the foreshore.

77. 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 this Act 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.

Saving rights of Her Majesty's principal Secretary of State for the War Department.

78. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that 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 vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary 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.

Provision as to general Railway Acts.

79. Nothing in this Act shall exempt the Company or the Brighton Company or their respective railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the

authority of Parliament of the authorised maximum rates of fares and charges or of the rates for small parcels.

Expenses of Act

80. All costs charges and expenses of and incident to the preparing obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company but the Company shall be repaid a proportion thereof by the Brighton Company in the contingency herein-before mentioned and in conformity with the provisions herein-before contained.

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