CHAPTER cxcviii.

An Act for conferring further powers on the South Eastern Railway Company in respect to their own undertaking and of the undertakings of other Companies. A.D. 1884.

[28th July 1884.]

WHEREAS it is expedient that the South Eastern Railway Company (in this Act called "the Company") be authorised to alter and stop up the existing footpaths and to execute the other works and to exercise the other powers in this Act respectively mentioned and to acquire and hold for the purposes of the works by this Act mentioned and for the general purposes of their undertaking the lands in this Act also mentioned.

And whereas by the Elham Valley Light Railway Act 1881 the Elham Valley Railway Company (in this Act called "the Elham Company") were incorporated and authorised to make a railway (in this Act called "the Elham Railway") wholly in the county of Kent commencing in the parish of St. Michael Harbledown by a junction with the South Eastern Railway and terminating in the parish of Cheriton by a junction with the South Eastern Railway.

And whereas it is expedient that the Elham Company be dissolved that its undertaking be transferred to the Company and that the Elham Railway be worked managed and maintained by the Company as in this Act provided with and under the powers and provisions in that behalf herein-after contained and that in consideration of the provisions made by this Act for the completion of the Elham Railway the money deposited to secure the completion of that railway be repaid as in this Act provided.

And whereas it is expedient to extend or further extend the times limited by the Acts herein-after specified for the compulsory purchase of certain lands and for the completion of certain works as herein-after provided.

And whereas it is expedient that the Company be authorised to raise further moneys for the purposes of this Act and of their undertaking.

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And whereas it is expedient that other provisions such as are in this Act contained be made.

And whereas plans showing the lines of the proposed 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 Surrey and Sussex 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 (Various Powers) Act 1884.

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 as amended by the Lands Clauses (Umpire) Act 1883.

The Railways Clauses Consolidation Act 1845.

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 the non-payment of calls.

The remedies of creditors of the Company against the shareholders.

The borrowing of money by the Company on mortgage.

The conversion of borrowed money into capital.

The consolidation of 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.

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.

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 "the Act of 1882" means the South Eastern Railway (New Lines and Widenings) Act 1882.

The expression "the Various Powers Act 1882" means the South Eastern Railway (Various Powers) Act 1882.

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 clerks" &c.

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 vestry of the parish or 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.

Purchase of additional lands.

5. 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 from time to time enter upon take use and appropriate for the purpose of enlarging and extending their stations and siding accommodation and for roads and approaches and for other purposes of and connected with their undertaking the lands houses and buildings herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto namely:—

(1) In the county of Kent.

(*a*) Certain lands in the parish of Gravesend bounded on the west by the municipal boundary of the parishes of North-

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fleet and Gravesend on the south by the South Eastern Railway on the east by lands and premises the property or reputed property of the Right Honourable the Earl of Darnley John Hart Sankey and William Bromley and on the north by the London Chatham and Dover Railway and the London Road.

(*b*) Certain other lands in the same parish abutting upon and adjoining the River Thames including the foreshore of the said river and the private road quays wharves and tramways thereon and bounded on the west by the said municipal boundary on the south by the said London Road on the east partly by the main or principal tramways from the tunnel under the said London Road to the said river and partly by an imaginary straight line drawn from the lime kilns abutting on the said tramways to the said river at a point opposite to the division of the Hit or Miss public-house and Grove Cottage and on the north by the River Thames.

(*c*) Certain other lands in the same parish forming the tunnel communication under the said London Road connecting the lands (*a*) and (*b*) lastly herein-before described.

Provided that the Company shall not acquire the estate or interest in the said lands or any part thereof of the Right Honourable the Earl of Darnley except with his consent.

(2) In the county of Surrey:

(*a*) Certain lands in the parish of Croydon bounded on the north by the Upper Addiscombe Road on the east by lands belonging or reputed to belong to the Right Honourable Louisa Caroline Lady Ashburton and on the west by the Woodside and South Croydon Railway and by lands the property or reputed property of the governors of the Whitgift foundation in Croydon.

(3) In the county of Sussex:

(*a*) Certain lands in the parish of St. Leonard being a triangular piece of land bounded on the north-east by lands belonging or reputed to belong to Charles Gilbert Eversfield on the south-west by the railway and lands of the Company and on the west by lands belonging or reputed to belong to the Misses Briscoe.

(*b*) Certain other lands in the same parish bounded on the north-east by the lands and property of the Company on the south by the railway and property of the London Brighton and South Coast Railway Company and on the west by other lands belonging or reputed to belong to the Misses Briscoe.

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Proviso for protection of the London Chatham and Dover Railway Company.

Provided always notwithstanding anything in this section contained that in the event of the Company acquiring the tunnel communication under the London Road (herein-after called "the tramway tunnel") described in sub-section (*c*) of this section they shall relieve and exonerate the London Chatham and Dover Railway Company (herein-after called "the Chatham Company") from any and every obligation respecting the tramway tunnel which the Chatham Company are liable to under the provisions of the Gravesend Railway Act 1881 (the powers granted by which Act are now vested in the Chatham Company) or under a certain indenture of conveyance dated the twenty-second day of February 1884 and made between the Right Honourable the Earl of Darnley of the one part and the Chatham Company of the other part and the Company shall not alter or interfere with the tramway tunnel or execute any works under the Gravesend Railway until they have submitted to the Chatham Company plans and sections showing the works so proposed to be made and the same shall have been approved by the Chatham Company or in the event of any difference in regard thereto arising between the Company and the Chatham Company or failing their approving of the same within one month after such plans and sections have been submitted to them then unless and until the same shall have been approved and settled by an arbitrator to be appointed by the then President of the Institution of Civil Engineers upon the application of either of the companies.

Provided also that the Chatham Company may appoint and employ such necessary inspectors and watchmen as they may think proper to superintend the execution of such works as aforesaid and to secure the safety of the Gravesend Railway and the works connected therewith and the reasonable cost of such superintendence and also of works which may be necessary for the protection and security of the Gravesend Railway where the same passes over the tramway tunnel by reason of the works of the Company shall be borne and defrayed by the Company and all works to be executed by the Company under or adjacent to the Gravesend Railway shall be carried out so as not to cause any injury to that railway or the works thereof or any interruption to the passage or conduct of traffic over or along that railway and if any injury to that railway or to the working of the traffic thereon shall arise by reason of any interference with the tramway tunnel or by reason of the construction by the Company of any works under the Gravesend Railway the Company shall make full compensation in respect thereof to the Chatham Company and the same may be recovered by them from the Company in any court of competent jurisdiction.

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Company not to interfere with the bed of the River Thames.

6. Nothing in this Act shall authorise or empower the Company to embank or encroach upon or interfere with any part of the soil or bed of the River Thames or the shore thereof without the consent in writing of the Conservators of the River Thames.

Period for compulsory purchase of lands.

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

Period for completion of works.

8. If the 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 said works or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as is then completed.

Lands for extraordinary purposes.

9. 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 one acre.

Notice to be given of taking houses of labouring classes.

10. 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 made known their intention to take the same in manner herein-before required.

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

11. 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 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 and buildings.

Power to owners to grant easements to Company.

12. 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 easements rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain lands and buildings.

13. And whereas in making and constructing the Widenings No. 2 No. 3 and No. 4 by the Act of 1882 authorised or otherwise in exercise of the powers of the Act of 1882 it may happen that portions only of the lands houses buildings or manufactories shown on the deposited plans referred to in the Act of 1882 will be sufficient for the purposes of the same respectively and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 and anything to the contrary contained in the Act of 1882 the owners of and persons interested in the lands houses buildings or manufactories herein-after in this section specified and whereof portions only are required for the purposes of the Company may if such portions can in the judgment of the jury arbitrator or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises as required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise or that may arise to the remainder of the premises in consequence of portions thereof being taken.

The lands authorised to be acquired by the Act of 1882 of which part only are or may be required and which are herein-before in this section referred to are situate in the county of Surrey and are as follows:—

The lands numbered on the deposited plans referred to in the Act of 1882 2, 8 and 9 in the parish of St. Mary Lambeth (Widening No. 2.)

The lands numbered 104 in the parish of Christ Church Southwark (Widening No. 3) and

The lands numbered respectively 63 and 71 in the parish of St. Saviour Southwark (Widening No. 4).

Power to Company to stop up footpaths.

14. Subject to the provisions of this Act the Company may in the lines shown upon the deposited plans relating thereto stop up

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the footpath and portions of footpaths and exercise the other powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans thereof and described in the deposited books of reference relating thereto as may be required for those purposes (that is to say) :—

They may stop up and discontinue:

(*a*) So much of the two footpaths in the parish of Holy Trinity Hastings in the county of Sussex leading from Waterworks Road across the Ashford Rye and Hastings Railway of the Company to Bohemia and to St. Andrew's Gardens as lies within the boundaries of the Company's property and they may in lieu thereof make a new footpath commencing by a junction with the existing footpath at or near the gateway to the roadway leading from the Company's station yard at Hastings into Waterworks Road passing thence underneath the said railway by means of a bridge or tunnel to a point in the fence on the north-western boundary of the said railway 50 yards or thereabouts north-east of the wicket gate in the railway fence across the footpath to Bohemia thence proceeding along the said north-western boundary of the railway and terminating at the said wicket gate.

(*b*) The footpath in the parish of Croydon in the county of Surrey commencing at the stile in the Selsdon Road 180 yards or thereabouts south-east of the bridge which carries the Croydon Oxted and East Grinstead Railway over that road passing thence into and through land in the occupation of William Hatch crossing on the level the said Croydon Oxted and East Grinstead Railway and terminating in Sussex Road.

(*c*) So much of the footpath in the parish of Croydon leading from the Sussex Road to Croham Hurst as lies between the junction of the said footpath with Sussex Road and a point 215 yards from Sussex Road measured along the said footpath.

Provided that as to the footpaths respectively mentioned in the foregoing subsections (*b*) and (*c*) it shall not be lawful for the Company to stop up discontinue or divert the said footpaths or either of them until the Company shall have provided and dedicated to the public for ever a right of way for foot passengers from the north end of Sussex Road along the road which passes under the Croydon and Oxted Railway from the north end of Sussex Road and thence by means of a suitable and convenient flight of steps or stairs to the top of the bank and across the piece of land situated in

the angle of the Woodside and South Croydon and Croydon Oxted and East Grinstead Railways along the now existing hedge running in an easterly direction across the said land thence over the Woodside and South Croydon Railway by a suitable and convenient footbridge at least eight feet wide and thence the said right of way shall proceed or continue along the easterly boundary of the field No. 1735 on the 2500 ordnance map of the said parish of Croydon until it joins or merges in the now existing footpath leading from Sussex Road to Croham Hurst. The now existing public footpath leading from St. Peter's Road Croydon towards Croham Farm and Croham Lane and now crossing the field marked 1690 on the said ordnance map shall for ever be continued and kept open and the use thereof facilitated by a suitable and convenient footbridge with suitable and convenient steps thereto and therefrom the footbridge being at least eight feet wide across the Woodside and South Croydon Railway.

Provided also that the aforesaid rights provisions diversions constructions or works and all rights provisions diversions constructions and works that may be requisite to secure for ever free for the public such right of way and such new diverted or substituted footpath or footpaths and the safe and convenient use at all times thereof and all needful repairs maintenance care and preservation of the aforesaid footbridges stairs approaches and new diverted or substituted footpath or footpaths shall be provided made done and secured by and at the cost and charges of the Company and to the reasonable satisfaction and approval of the engineer of the borough of Croydon.

Provided further that nothing in these provisions relating to the said right or rights of way footpath or footpaths or the works constructed or matters incidental thereto shall be held in any way to derogate from the right power or authority of the mayor aldermen and burgesses of the borough of Croydon to in or over or in relation to such footpath or footpaths and all approaches stairs and bridges appertaining thereto and the said mayor aldermen and burgesses shall have and exercise all such rights powers and authority to in and over and in relation to the footpath or footpaths and all approaches stairs and bridges appertaining thereto as if the same were now public footpaths with the ways and works incidental thereto subject to their jurisdiction and control.

Power to deviate.

15. The Company may in constructing the new footpath and other works aforesaid deviate from the lines thereof respectively to the extent of the limits of deviation marked on the deposited plans.

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

16. 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 footpaths altered stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act they become the owners of the lands on both sides thereof be wholly and absolutely vested in the Company and they may appropriate the same to the purposes of their undertaking.

Extinguishment of rights of way.

17. All rights of way over or along the footpaths or other highways or portions thereof which shall under the provisions of this Act be altered or 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.

Footpath not to be stopped up till new footpath opened.

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

Extension of time for completing alteration of bridge at Hastings.

19. The time limited by the South Eastern Railway Act 1879 for the completion of the alteration and widening of the bridge at Hastings in the county of Sussex described in and authorised by the said Act of 1879 (section 7 subsection (1)) is hereby extended until the expiration of a period of three years from the twenty-first day of July 1884.

Extending time for purchase of certain land under section 12 of Act of 1881.

20. The time limited by the South Eastern Railway Act 1881 for the compulsory purchase of the several lands required for the purposes mentioned respectively in subsections (1) (2) and (3) of section 12 of the South Eastern Railway Act 1881 is hereby extended until the expiration of a period of two years from the eleventh day of August 1884.

Extension of time for purchase of certain lands under Act of 1881 (section 41).

21. The time limited by the South Eastern Railway Act 1881 for the compulsory purchase of certain additional lands described in subsections (*b*) and (*c*) of section 41 of that Act is hereby extended until the expiration of a period of two years from the eleventh day of August 1884.

Extension of time for purchase of lands under

22. The time limited by the Greenwich Dock and Railway Act 1881 for the compulsory purchase of the lands required for the railway by that Act authorised and described in section 7 sub-

section (6) of that Act is hereby extended until the expiration of a period of two years from the 26th day of August 1884.

Greenwich Act, 1881.

Extending time limited by section 13 of Act of 1879 for compulsory purchase of certain lands.

23. The time limited by the South Eastern Railway Act 1879 for the compulsory purchase of the several lands authorised to be acquired by that Act and described in section 13 subsections 1 2 3 4 5 and 6 thereof is hereby extended until the expiration of a period of two years from the 21st day of July 1884.

Extending time limited for the compulsory purchase of lands for Caterham andGodstone Valley Railway.

24. The time limited by the South Eastern Railway Act 1880 as further extended by the South Eastern Railway Act 1881 and the Various Powers Act 1882 respectively for the compulsory purchase of lands for the purpose of the Caterham and Godstone Valley Railway authorised by the Caterham and Godstone Valley Railway Act 1876 is hereby extended until the expiration of a period of one year from the 10th day of August 1884.

Extending time limited for the compulsory purchase of certain lands authorised by South Eastern Railway (New Lines and Widenings) Act 1882.

25. The time limited by section 36 of the Act of 1882 for the compulsory purchase of the lands of the Right Honourable the Earl of Romney the Earl of Courtown Sir William Hart Dyke Baronet M.P. and Sir Edward Scott Baronet (since deceased) therein referred to and required for the purposes of the Railway (No. 4) by section 5 of that Act authorised is hereby extended until the expiration of a period of two years from the 18th day of August 1884.

Extending time limited for the compulsory purchase of certain lands authorised by South Eastern Railway (Various Powers) Act 1882.

26. The time limited by section 17 of the Various Powers Act 1882 for the exercise by the Company of the option of purchasing the lands in such section referred to is hereby extended until the expiration of a period of two years from the 10th day of August 1884.

Transfer to Company of Elham Company's rights and powers.

27. Within one year from the date of the passing of this Act all the lands acquired or contracted for by the Elham Company for the purposes of the railway authorised by the Elham Valley Light Railway Act 1881 and all the powers rights privileges and authorities granted to the Elham Company by that Act for the same purposes may by virtue of this Act be transferred to and vested in the Company either by purchase or by way of lease and as from the date of such transfer or lease the Company may exercise all the powers and shall be subject to all the duties and liabilities conferred or imposed on or incurred by the Elham Company for the said purposes and as from the date of the transfer the Elham Company shall be dissolved Provided always that no such transfer shall be completed unless and until the terms thereof shall have been previously approved by the respective proprietors of the Company and the Elham Company present

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at general meetings of those companies specially convened for the purpose holding at least three-fourths in value of the paid-up share capital of the companies respectively represented at such meetings.

Power to improve and strengthen the Elham Valley Railway.

28. The Company and the Elham Valley Railway Company or either of them as the case may be are hereby authorised subject to the provisions of this Act to improve and strengthen if necessary the works of the Elham Valley Railway so that it may be worked as an integral part of the Company's system.

Extending time for compulsory purchase of lands required for Elham Valley Railway.

29. The time limited by the Elham Valley Light Railway Act 1881 for the compulsory purchase of lands required for the purposes of that railway is hereby extended and may be exercised by the Company until a period of two years from the 18th day of July 1884.

Penalty imposed unless railway opened within the time limited.

30. If the Company fail to complete the railway authorised by the Act relating to the undertaking of the Elham Company (if that undertaking be transferred to the Company as provided by this Act) within the period limited by that Company's 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 is completed and opened for the public conveyance of passengers or until the sum received in respect of that penalty amounts to five per centum on the estimated cost of the works of the said railway. The said 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 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 and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice into 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 incompleted railway 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.

Application of penalty.

31. 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 any portion of the railway in respect of which the penalty has been incurred or who may have been subjected to injury or loss in consequence of the compulsory power conferred upon the Company of taking property for the purposes of such railway 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 same sum or sums of money so recovered by way of penalty is found sufficient to satisfy 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 Elham Company's deposit.

32. If the Elham Company's undertaking be transferred to the Company the Chancery Division of the High Court of Justice shall on production of the deed of transfer and of a copy of this Act and on the application of the person or persons or a 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 Elham Valley Light Railway Act 1881 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.

Railway to form part of railways of Company.

33. The railway authorised by the Act relating to the Elham Company shall for all purposes including the levying of tolls fares

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rates and charges be deemed to be respectively part of the railways of the Company.

Power to make agreement with Secretary of State for War with respect to tramway at Lydd.

34. The Company may make and carry into effect agreements with Her Majesty's Principal Secretary of State for War with respect to the purchase by transfer to and vesting in the Company upon such terms as may be agreed on of the tramway at Lydd in the county of Kent belonging to the said Principal Secretary of State for War. For the purpose of improving such tramway the Company may either alone or jointly with the Principal Secretary of State for War acquire by compulsion or agreement certain lands situate in the said parish of Lydd delineated on the deposited plans and described in the deposited books of reference.

Provided always that upon receiving notice from the Corporation of Lydd or the governing or municipal authority of the town for the time being to remove or divert the said tramway between the points A and D marked on the plan signed in duplicate by the Right Honourable the Earl of Donoughmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and one copy whereof is deposited in the office of the Clerk of the Parliaments and the other with the clerk of the peace for the county of Kent the Company shall within six months after the receipt of such notice divert the said tramway between the said points A and D and substitute in the place thereof the diverted line of tramway shown upon the said plan and coloured red or such other diversion as may be agreed upon between the Company and the Corporation of Lydd or other the governing or municipal body of the said town. Then and in such case if necessary the Company shall be entitled to lay their diverted tramway over the public road between the points B and C subject to the approval of the highway authority in the usual manner.

The Company may maintain and work tramway.

35. From and after the transfer to and vesting in the Company of the said tramway the Company may maintain work and use the same and may demand and take for any passenger travelling upon the tramway or any part or parts thereof including tolls for the use of the tramway and of carriages and for motive power and for every other expense incidental to such conveyance any tolls or

Tolls for passengers.

charges not exceeding twopence per mile and in computing the said tolls or charges a fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than threepence Provided that such tolls and charges may from time to time be reduced or increased subject to revision by the Board of Trade but so as in no case to exceed the maximum tolls and charges hereby authorised.

Passengers' luggage.

36. Every passenger travelling upon the tramway may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage be carried by hand and at the responsibility of the passenger and shall not occupy any part of the seat nor be of a form or description to annoy or inconvenience other passengers.

Tolls for animals goods &c.

37. The Company may demand and take in respect of any animals goods materials articles or things conveyed by them on the tramway including the tolls for the use of the tramway and for waggons trucks and motive power and every other expense incidental to the conveyance (except a reasonable charge for loading or unloading goods and for delivery and collection and any other service incidental to the business of a carrier when any such service is performed by the Company) any tolls or charges not exceeding the rates following (that is to say):—

For every horse mule or other beast of draught or burden sixpence per head per mile.

For every ox cow bull or head of neat cattle fivepence per head per mile.

For calves sheep pigs lambs and small animals threepence per head per mile.

For all coals cinders dung compost and all sorts of manure and all undrest materials for the repair of public roads or highways culm cannel ironstone iron ore limestone slates slate slabs slate flags chalk sand slag and clay (except fire clay) threepence per ton per mile.

For all coke charcoal pig iron bar iron rod iron sheet iron hoop iron plates of iron wrought iron heavy iron castings railway chairs slabs billets and rolled iron lime bricks tiles salt fire clay and stone fourpence per ton per mile.

For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light castings fivepence per ton per mile.

For cotton and other wools drugs manufactured goods and for fish and all other wares merchandise articles matters or things sixpence per ton per mile.

For every carriage of whatever description not weighing more than one ton sixpence per mile with an additional charge of threepence per quarter of a ton over one ton in weight.

For any parcel not exceeding seven pounds in weight threepence.

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

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

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence.

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight any sum which they may think fit.

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

For the carriage of single articles of great weight.

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

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

Regulations as to tolls.

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

Short distances.

For all animals or goods conveyed on the tramway for a less distance than three miles the Company may demand tolls and charges as for three miles.

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile.

Fractional parts of a ton.

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

General weight.

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

Weight of stone and timber.

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

Company to carry parcels.

39. The Company shall carry small parcels but they shall not be bound to deliver the same except at the termini of their tramway or at such other place or places as the Company may from time to time determine.

Company not bound to carry animals and goods.

40. The Company shall not be bound unless they think fit to carry on the tramway any goods animals or other things other than passengers and passengers' luggage not exceeding the weight in this Act in that behalf mentioned and small parcels.

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

41. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in 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.

Section 63 of the South Eastern Railway Act 1881 to include hotel at Port Victoria.

42. The powers and provisions of section 63 of the South Eastern Railway Act 1881 shall apply and extend to any hotel now or hereafter provided or established by the Company at Port Victoria in the parish of Saint James Grain in the county of Kent and that section shall be read and have effect and the Company may exercise all the powers thereof as if an hotel or hotels at Port Victoria had been included therein and authorised thereby.

Power to enter into agreements as to maintenance &c. of tramways.

43. The Company may make and carry into effect contracts or agreements with the Hythe and Sandgate Tramways Company if duly authorised by an Act of the present session of Parliament to construct maintain and use a tramway or tramways between Hythe and Sandgate in the county of Kent with reference to the maintenance use and working of such tramways or any of them or any part thereof.

Power to advance money for improvement of Boulogne harbour.

44. The Company may from time to time lend and advance to the Chamber of Commerce at Boulogne-sur-mer in the Republic of France or to any other public authority of that place for the time being having the control of the harbour thereat for the purpose of aiding and expediting the widening deepening extending enlarging and improving the existing harbour and pier or the completion of

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the new harbour and pier now in course of construction at Boulogne-sur-mer aforesaid such sum or sums of money as the Company may think fit not exceeding in the whole the sum of one hundred thousand pounds upon the security of the Chamber of Commerce and of the Government of France or either of them and upon such terms and conditions as the Company may sanction.

Power to enter into agreements as to working of pier, &c. at Folkestone.

45. The Company may enter into and carry into effect contracts and agreements with the Folkestone Pier and Lift Company if that company be authorised by an Act of the present session to construct and work a pier and lift or hoist or either of them at Folkestone in the county of Kent for or with reference to the working of such pier hoist or lift and the Company may also subscribe any sum not exceeding in the whole twenty thousand pounds towards the cost of constructing such pier hoist or lift upon such terms and conditions as may be mutually agreed upon.

Provision for separate undertaking of Railways Nos. 1 and 2 authorised by Act of 1882.

46. If the Company shall on or before the thirty-first day of July 1885 at an extraordinary general meeting of the Company by the votes of the proprietors present personally or by proxy holding at least three-fourths of the paid up capital represented at such meeting pass a resolution to the effect that it is expedient that so much of the capital raised or to be raised by the Company under the Act of 1882 as would be applicable to the construction of the Railways Nos. 1 and 2 by that Act authorised be constituted a separate capital and that such railways be constituted a separate undertaking then such railways or either of them as is specified in the resolution with all lands buildings and property purchased or to be purchased for the purposes thereof shall form a separate undertaking (herein-after referred to as the separate undertaking) distinct and apart from the rest of the Company's undertaking and shall be called the Bricklayers' Arms and Charing Cross undertaking or by some other distinctive name and the Company may accordingly construct work manage and maintain the said Railways Nos. 1 and 2 and they may out of their general revenue guarantee or otherwise secure the payment of interest dividend rent or other payment not exceeding three pounds per centum per annum upon and in respect of such separate capital or any part thereof. Provided that if the separate undertaking be constituted as herein provided the capital required therefor or applicable thereto shall be raised as ordinary capital only and not as preference capital.

Management of separate undertaking.

47. The directors of the Company may make such regulations and byelaws as they think necessary as to the control working and management of the separate undertaking and as to the exercise

of the powers by this Act conferred on the Company in respect of such separate undertaking and they and any committees appointed by them for the purpose of that undertaking shall have and may exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to any other part of the Company's undertaking.

Exemption of separate undertaking from liabilities affecting general undertaking.

48. The separate undertaking and the revenues arising therefrom shall not be liable for the principal or interest of any mortgage or debenture debt or other charge on any other part of the Company's undertaking.

Separate accounts.

49. Separate accounts shall be kept of the capital and revenue of the separate undertaking and of the payments made in respect thereof in the same form and subject to the same conditions as nearly as may be as if the separate undertaking belonged to an independent company.

Repayment to general undertaking of money spent for purposes of separate undertaking.

50. The directors of the Company may from time to time make such provision as to them seems expedient for repayment by the separate undertaking to the general undertaking of the Company of money expended or to be expended out of the revenue or capital of the general undertaking for any of the purposes of the separate undertaking.

Separate undertaking to be worked in an efficient manner.

51. After the opening of the separate undertaking for public traffic the Company shall work the same and convey traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic of the district to be served by the said undertaking. In case any difference shall arise between the Company and any of the holders of stock or shares in the separate capital with respect to the working or non-working or insufficient working by the Company of the said undertaking or otherwise in relation thereto whereby the holders of such shares or stock deem themselves to be injuriously affected such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party and such arbitrator shall have full power to settle and determine any such difference and to order the Company to do or to abstain from doing all such acts matters and things as he shall think fit and to make such order with respect to the costs of such arbitration as he shall think just. In case the Company make default in complying with any such order within the time thereby prescribed then and in every such case the Company shall for every such default be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding fifty pounds for every day after the first during which such default shall continue.

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Power to merge separate undertaking in general undertaking.

52. The Company may if they think fit at any time or times by resolution passed at an extraordinary general meeting by such majority of votes as aforesaid and on a similar resolution being passed at a like meeting of the proprietors of capital in the separate undertaking and by a like majority of votes as aforesaid resolve that the separate capital and undertaking or any part thereof shall be merged in the general undertaking of the Company and thereupon the separate capital and undertaking or such part thereof as is specified in the resolution shall be so merged accordingly subject to such terms and conditions as may be specified in such resolution.

Power to raise additional capital.

53. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 and of this Act from time to time raise any additional capital not exceeding in the whole three hundred and twenty-five thousand pounds by the issue at their option of new ordinary 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 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 such share has been paid in respect thereof.

Limit of amount and number of calls.

54. The amount of any one call to be made on any share created under this Act shall not exceed one-fourth of the amount of such share 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 existing shares or stock.

55. 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 on mortgage.

56. The Company may in respect of the additional capital of three hundred and twenty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one hundred and five 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.

57. All mortgages or bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act 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.

58. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock 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.

Power to apply corporate funds to purposes of Act.

59. The Company may apply to the purposes of this Act to which capital is properly applicable any money which they have raised or which they may 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.

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Saving rights of the Conservators of the river Thames.

60. Nothing in this Act shall extend or be construed to extend to prejudice or derogate from the estates rights interests liberties privileges or franchises of the conservators or to prohibit defeat alter or diminish any power authority or jurisdiction, which at the time of the passing of this Act the conservators did or might lawfully claim use or exercise.

Saving rights of the Postmaster-General.

61. Nothing in this Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Elham Valley Light Railway Company and from time to time to alter such telegraph lines and to enter upon the land or works comprised in that undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Elham Company is transferred to the Company as freely and fully in all respects as he was entitled to do before the passing of this Act.

Interest on calls not to be paid out of capital.

62. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

63. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect to 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.

Classification table to be open for inspection. Copies to be sold.

64. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges if any to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

Provisions as to general Railway Acts.

65. Nothing in this Act shall exempt the Company or their railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any other 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.

Costs of Act.

66. 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.

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