



### CHAPTER cxxvi.

An Act for making a railway in the county of Kent to be called the Hundred of Hoo Railway; and for other purposes. A.D. 1879.  
[21st July 1879.]

**W**HEREAS the making and maintaining of the railway hereinafter described would be of public and local advantage:

And whereas the several persons in this Act named, with others, are willing at their own expense to carry the undertaking into execution on being incorporated into a company for the purpose:

And whereas it is expedient that the Company on the one hand, and the South-eastern Railway Company (hereinafter called the South-eastern Company) on the other hand, should be empowered to enter into and carry into effect agreements as hereinafter provided:

And whereas plans and sections showing the lines and levels of the railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Kent, and are hereinafter 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:

1. This Act may be cited as the Hundred of Hoo Railway Act, 1879. Short title.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to the incorporation of general Acts.) Incorporation of general Acts.  
[Local.—126.] A I

[Ch. cxxvi.] *Hundred of Hoo Railway Act, 1879.* [42 & 43 VICT.]

A.D. 1879.  
—  
& 9 Vict. c. 16.  
& 27 Vict.  
118.  
& 9 Vict. c. 18.  
& 24 Vict.  
106.  
& 33 Vict. c. 18.  
& 9 Vict. c. 20.  
& 27 Vict. c. 92.

to debenture stock) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-  
tion of terms.

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

Company  
incorporated.

4. Henry Pye, William Miskin, William Castle, William Barnes, John Lake, John Murton, Frank Woodhams, William Lake, Charles Jack, Matthew Mowson Proctor, Charles Daniel George Smith, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Hundred of Hoo Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to  
make  
railway.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper bridges, stations, sidings, approaches, junctions, roads, yards, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is wholly situate in the county of Kent, and is—

A railway, 9 miles 4 chains and 16 yards in length, commencing in the parish of Shorne by a junction with the North Kent line of railway of the South-eastern Company, and terminating in the parish of Stoke at a fence forming the southern boundary of a lane or road leading from Middle Stoke to Stoke Saltings at the junction of the said fence with another fence which divides a field belonging or reputed to belong to Amelia Grey, and in the occupation of William Lake, from another field belonging or reputed to belong to the Dean and Chapter of Rochester, and in the occupation of John Huggins Comport.

A.D. 1879.

6. The capital of the Company shall be eighty thousand pounds, in eight thousand shares of ten pounds each.

Capital.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such 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 is paid in respect thereof.

Shares not to be issued until one fifth paid.

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

Calls.

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

Receipt in case of persons not sui juris.

10. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Power to divide shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate not exceeding six per centum per annum as shall be determined

Dividends on half shares.

A.D. 1879. — once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares paid out of the profits of the year only.

**12.** Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

**13.** Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

**14.** The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

**15.** The provisions of the Companies Clauses Consolidation Act, 1845 (with respect to the forfeiture of shares for nonpayment of calls), shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

**16.** No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

17. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

A.D. 1879.

Half shares to be half shares in capital.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty-six thousand six hundred pounds, but no part thereof shall be borrowed until the whole capital of eighty thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Power to borrow on mortgage.

19. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Appointment of receiver.

20. 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 created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

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

Application of moneys.

A.D. 1879.

First  
ordinary  
meeting.

**22.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of  
directors.

**23.** The number of the directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification  
of directors.

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

Quorum.

**25.** The quorum of a meeting of directors shall be three, and two if the number of directors shall be reduced to three.

First  
directors.

**26.** Henry Pye, John Lake, Charles Jack, Matthew Mowson Proctor, and Charles Daniel George Smith shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of  
directors.

Lands for ex-  
traordinary  
purposes.

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

Period for  
compulsory  
purchase of  
lands.

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

Power to  
cross a cer-  
tain road  
on the level.

**29.** Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railway Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may, in the construction of the railway, carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the public carriage road numbered on the deposited plan 4 in the parish of High Halstow.

**30.** At the point at which the railway is carried over the Higham Canal the Company shall and they are hereby required, at their own cost and expense, to construct in a proper manner and to the reasonable satisfaction of the surveyor of the county of Kent for the time being, and at all times for ever thereafter to maintain and keep in perfect repair to the reasonable satisfaction of such surveyor, a good and substantial bridge over the said canal and the towing-path, banks, and works at such point of crossing, and the said bridge shall be made with one arch or span only, and shall be so constructed as to include a towing-path on the same side of the canal as the present towing-path not less in width than the present towing-path, and the under side of such arch shall not be less than ten feet above the level of the present towing-path where the said bridge is to be erected, and the under side of every part of such arch or span where the same shall be above the waterway of the said canal shall not be less than eighteen feet above the top-water level of the said canal at spring tides; and the Company shall not alter the course of the said canal nor contract the width of the same or the towing-path thereof, and the Company shall, during the progress of constructing the said bridge and of the necessary repairs and renewals thereof, leave an open and uninterrupted navigable waterway in the navigation of the said canal with a clear height of not less than eighteen feet above the top-water level of the said canal for laden barges to pass along the said canal.

A.D. 1879.  
Provision as to crossing the Higham Canal.

**31.** 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.

Power to take easements, &c. by agreement.

**32.** Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of three thousand seven hundred and twenty-three pounds nineteen shillings and twopence consolidated three per centum annuities, being equal to five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in

Deposit money not to be repaid except so far as railway is opened.

A.D. 1879.

the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, which persons, survivors or survivor, are or is in this Act referred to as the depositors, unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Court shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application  
of deposit.

**33.** If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Chancery Division thinks fit to



order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

A.D. 1879.

**34.** If the railway is 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 railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.

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

Tolls for passengers, animals, and goods.

In respect of passengers and animals conveyed on the railway:

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

Class 1. For any horse, mule, or other beast of draught or burden, fourpence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny;

Class 2. For any ox, cow, bull, or head of neat cattle, threepence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny;

Class 3. For any calf, pig, sheep, lamb, or other small animal, twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny.

In respect of goods and minerals conveyed upon the railway:

Class 4. For all coals, culm, cinders, cannel, ironstone, iron ore, limestone, chalk, sand, slag, and clay (except fire-clay), dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one halfpenny;

A.D. 1879.

Class 5. For all coke, charcoal, pig iron, bar iron, rod iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, slates, salt, fire-clay, and stone, copper ore, lead ore, tin ore, antimony, and manganese, and all other ores, minerals, and semi-metals, per ton per mile threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one halfpenny;

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

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

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform, sixpence per mile, and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for  
propelling  
power.

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

Regulations  
as to tolls.

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

For all passengers, animals, goods, or minerals conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles;

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, goods, and minerals 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, and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile;

For a fraction of a ton the Company may demand tolls according to the 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 ;

A.D. 1879.

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

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

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

Tolls for small parcels and articles of great weight.

For the carriage of small parcels on the railway :

For any parcel not exceeding seven pounds in weight, three-pence ;

For any parcel not exceeding fourteen pounds in weight, five-pence ;

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

For any parcel not exceeding fifty-six pounds in weight, nine-pence ;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand 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 on the railway :

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 sixpence per ton per mile ;

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, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

A.D. 1879.

Maximum  
rates for  
passengers.

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

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

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

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

Maximum  
rates for  
animals and  
goods.

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

For every animal in Class 1, fourpence per mile ;

For every animal in Class 2, threepence per mile ;

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

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

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

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

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

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform, per mile sixpence ; and if weighing more than one ton, one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

Passengers  
luggage.

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

42. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

A.D. 1879.  
Terminal station.

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

Foregoing charges not to apply to special trains.

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

Company may take increased charges by agreement.

45. The Company on the one hand, and the South-eastern Company on the other hand, may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into and carry into effect and rescind contracts, agreements, and arrangements with respect to the following purposes or any of them; that is to say,

Power to enter into agreements with South-eastern Company.  
36 & 37 Vict. c. 73.

The use of their respective railways, stations, and works, or any part or parts thereof respectively;

The employment of officers and servants for the conduct of traffic on the respective railways, or any part thereof;

The payments to be made and the conditions to be performed with respect to the matters aforesaid;

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

The fixing, collection, payment, appropriation, apportionment, and distribution between the said companies of the tolls, rates, income, and profits arising from the respective railways and works of the contracting companies, or either of them, or any part thereof.

46. During the continuance of any agreement to be entered into under the provisions of this Act between the Company and the South-eastern Company, the railways of the Company and of the South-eastern Company shall for the purposes of short-distance tolls

Tolls on traffic conveyed partly on the railway and partly on the

A.D. 1879. and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railways of the South-eastern Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railways of the South-eastern Company.

Saving rights of the Crown in the foreshore.

47. 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 corporation of Rochester.

48. Nothing herein contained shall extend or be construed to extend 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, and of, in, 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, other than and except as regards such portions of the bed, soil, banks, and shores of the said river, arms, creeks, streams, and indraughts, and such rights and privileges as the Company are authorised to purchase or acquire under the provisions of this Act.

Interest not to be paid on calls paid up.

49. The Company shall not, out of any money by this Act authorised to be raised, 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 as is in conformity with the Companies Clauses Consolidation Act, 1845.

50. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

A.D. 1879.  
Deposits for  
future Bills  
not to be  
paid out of  
capital.

51. Nothing in this Act contained shall exempt the Company or the 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 future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Provision as  
to general  
Railway  
Acts.

52. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses  
Act.

