



CHAPTER clix.

An Act for making railways between Maidstone and Ashford, in the county of Kent; and for other purposes. A.D. 1880.

[12th August 1880.]

WHEREAS the construction of railways between Maidstone and Ashford, in the county of Kent, would be of public and local advantage :

And whereas the persons in this Act named, with others, are willing at their own expense to make and maintain such railways, and are desirous of being incorporated into a company for the purpose :

And whereas it is expedient that the London, Chatham, and Dover Railway Company should be authorised to enter into and carry into effect the agreements with the Company by this Act authorised :

And whereas plans and sections of the railways, showing the lines and levels thereof, and also books of reference to the plans 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 herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the objects 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 for all purposes as the Maidstone and Ashford Railway Act, 1880. Short title.

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Act, 1880.

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Incorporation of
general Acts.
8 & 9 Vict. c. 20.
8 & 9 Vict. c. 16.
26 & 27 Vict.
c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
25 & 24 Vict.
c. 106.
32 & 33 Vict. c. 19.
26 & 27 Vict. c. 92.

Interpretation of
terms.

Incorporation of
Company.

Power to
make rail-
ways.

2. The Railways Clauses Consolidation Act, 1845, the Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, 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.

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" or "the railways" and "the undertaking" mean respectively the railways by this Act authorised; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act 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.

4. Thomas Ellis, William Page, Thomas Yeo Sherwell, and all persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors administrators, successors, or 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 Maidstone and Ashford 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.

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 railways herein-after described, with all proper stations, sidings, approaches, 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 railways herein-before referred to, and authorised by this Act are :—

1. A railway 18 miles 6 furlongs and 3 chains in length, commencing in the parish of Maidstone, in the county of

Kent, by a junction with the London, Chatham, and Dover Railway at or near the termination of that railway at Maidstone, and terminating in the parish of Ashford, in the same county, at or near and on the west side of the road leading from the Ashford Gasworks to the town of Ashford : A.D. 1880.

2. A railway 1 furlong and 4 chains in length, wholly in the parish of Ashford, and county of Kent, commencing by a junction with railway No. 1 at a point thereon 14 chains or thereabouts westward of the termination of that railway as above described, and terminating by a junction with the South-eastern Railway at or near the bridge which carries that railway over the road leading from the Ashford Gasworks to the town of Ashford.

6. The capital of the Company shall be four hundred and sixty thousand pounds, in forty-six 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 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 two 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 clause in case of persons not sui juris.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole one hundred and fifty thousand pounds, but no part thereof shall be borrowed until the whole capital of four hundred and sixty 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 the 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 Power to borrow on mortgage.

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A.D. 1880. — 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.

Appointment of a receiver. **11.** 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 be not less than ten thousand pounds in the whole.

Debenture stock. **12.** 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.

Application of moneys. **13.** All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act and of the Company's undertaking only.

First ordinary meeting. **14.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors. **15.** The number of directors shall be four, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors. **16.** The qualification of a director shall be the possession in his own right of not less than forty shares.

Quorum of directors. **17.** The quorum of a meeting of directors shall be three; but if the number of directors be reduced to three, the quorum shall be two.

First directors. **18.** Thomas Ellis, William Page, Thomas Yeo Sherwell, and one other duly qualified person, to be nominated by them and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the

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places of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

19. 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 ten acres.

Lands for extra-ordinary purposes.

20. 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 two years from the passing of this Act.

Period for compulsory purchase of lands.

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

Notice to be given of taking houses of labouring classes.

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

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

23. In altering for the purposes of this Act the road next herein-after mentioned, the Company may make the same of any inclina-

Inclinations of certain roads.

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A.D. 1880. tions not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
35	Thornham	Public road - -	1 in 15.
4	Bearsted		

Power to grant easements.

24. 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.

Protection of Grove House Estate.

25. For the benefit and protection of the Right Reverend James Danell and other the owner or owners for the time being of the lands, buildings, and property in Maidstone known as the Grove House Estate, the following provisions shall have effect; that is to say,

(A.) Nothing in this Act shall authorise or empower the Company to enter upon, take, or use, either permanently or temporarily, any part of the said estate, except such part as lies to the north of the black line marked with the letters A., B., C., D., on a certain plan signed by Thomas William Evans, Esquire, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was in its progress through Parliament referred, and a copy of which plan has been deposited in the Private Bill Office of that Honourable House:

(B.) Notwithstanding anything in this Act, the Company shall make full compensation to the said James Danell, or other the owner or owners for the time being of the said estate, for all damage which may at any time hereafter arise, as well during the construction of the works as by the use of the railway, to the structure of any buildings now being or hereafter to be erected on the said estate lying to the south of the said line A., B., C., D.; and if any such damage shall so arise, the said lands shall be deemed to be injuriously affected by the con-

struction of the railway within the meaning of the Railways A.D. 1880.
Clauses Consolidation Act, 1845. .

26. Whereas Thomas Hollingworth and John Hollingworth, of Boxley, in the county of Kent, paper manufacturers, are or claim to be the owners in fee simple of the premises shown on the deposited plans, and therein respectively numbered 13, 14, and 15, in the said parish of Boxley, and known as the Turkey Mills property, and herein-after called the said property : Therefore so much of the railway as shall pass upon or over the said property shall be constructed and carried over the same upon waterproof brick or stone arches, and so much of the railway as aforesaid, and also such further portion of the said railway as shall be required by the said Thomas Hollingworth and John Hollingworth, or their engineer, not exceeding a distance of two hundred and fifty yards in the whole, including the portion passing upon or over the said property as aforesaid, shall at the sole expense of the Company be closed and covered in with proper and incombustible materials for effectually guarding against loss or injury to the said property by fire, sparks, smoke, or dust arising or proceeding from the engines, tenders, railway, or other works of the Company; and such waterproof arches and covered way when made as aforesaid shall at all times thereafter be kept and maintained in good order, repair, and condition by the Company. The said arches shall be constructed by the Company to the satisfaction of George Berkeley of Charing Cross, engineer, or failing him the engineer for the time being of the said Thomas Hollingworth and John Hollingworth. And the said covered way shall be constructed by the Company to the reasonable satisfaction of, and according to plans and specifications to be prepared by, the same person :

Protection
of property
of Thomas
Holling-
worth and
John Hol-
lingworth.

The Company shall make at or near the said property, and thereafter maintain in good order and condition, a siding or other effectual means of loading and unloading coals and other goods and materials to or from the said mills, the position and details of such siding or other means of loading and unloading to be agreed upon by the said George Berkeley, or other the engineer of the said Thomas and John Hollingworth as aforesaid, and the engineer of the Company, or in case of difference to be settled by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers on the application of either party.

The Company shall take no greater quantity of the said property than shall be required by them to construct the said arches and the said siding, or other means of loading and unloading, and the said Thomas Hollingworth and John Hollingworth, their heirs and

A.D. 1880. assigns shall have the use and occupation of the said arches in perpetuity rent free.

The Company shall execute all works on the said property with all reasonable despatch, and within a period not exceeding nine months after the Company shall have entered upon the said property.

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

27. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of the lands, buildings, or manufactories, distinguished on the deposited plans by the numbers 14, 15, and 16, in the parish of Boxley, will be sufficient for the purposes of the same, 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, the owners of and persons interested in the said lands, buildings, or manufactories whereof parts 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 so 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.

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

28. 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 twenty-three thousand two hundred and seventy pounds consolidated three pounds per centum annuities, being upwards of 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 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.

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29. If the Company do not, previously to the expiration of the period limited by this Act for the completion of the railways, complete and open the same 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 railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, 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 Chancery Division, 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

Application
of deposit.

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A.D. 1880. 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.

Period for
completion
of works.

30. If the railway is not completed within three 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.

Tolls.

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

In respect of passengers and animals conveyed in carriages upon the railway or any part thereof, as follows:

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

Class I. For every horse, mule, ass, or other beast of draught or burden conveyed in or upon such carriage, per mile threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny:

Class II. For cattle conveyed in or upon any such carriage, per head per mile one penny halfpenny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one farthing:

Class III. For every calf, pig, sheep, or other small animal conveyed in or upon any such carriage, per mile one halfpenny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one farthing.

In respect of goods conveyed on the railway:

Class IV. For all coal, culm, cinders, dung, compost, and all sorts of manure, lime, and limestone, and all undressed materials for the repair of public roads or highways, all stones for building, pitching, and paving, tiles, slates, clay, ironstone, iron ore, and pig iron, per ton per mile one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one farthing:

Class V. For all coke, charcoal, sheet iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils, bricks, salt, sand, fire-clay, and stone, per ton per mile one penny halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one farthing: A.D. 1880.

Class VI. For sugar, grain, corn, flour, hides, dyewoods, guano, and other artificial manures, earthenware, timber, staves, and deals, nails, anvils, vices, and chains, per ton per mile twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

Class VII. For cotton and other wools, drugs, manufactured goods and metals, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

Class VIII. And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, per mile sixpence; 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.

32. 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 or other articles, in addition to the several other tolls or sums by this Act authorised to be taken. Limitation of charges for propelling power.

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

For all passengers, animals, minerals, or goods conveyed on the railway for a less distance than four miles, the Company may demand and receive the before-mentioned tolls as for four miles:

For a fraction of a mile beyond four miles or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of half miles contained therein, and if there be a

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fraction of half a mile such fraction shall be deemed half 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 toll 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:

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

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

Tolls for
small parcels
and great
weights.

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

For the carriage of small parcels on the railway:—

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

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence;

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

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, ninepence;

And for any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight, the Company may demand any sum they 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 single article the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, the Company may demand any sum not exceeding sixpence per ton per mile:

For the carriage of any single article the weight of which, including the carriage, exceeds eight tons, the Company may demand and take any sum they think fit.

35. 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 of carriages, and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,) A.D. 1880.
Maximum
rates for
passengers.

For every passenger conveyed in a first-class carriage, three-pence per mile :

For every passenger conveyed in a second-class carriage, two-pence per mile :

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

36. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight or dimensions 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 of goods at any terminal station in respect of such goods, and for delivery and collection, and any other services 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,) Maximum
rates for
animals and
goods.

For every animal mentioned in Class I., per mile fourpence :

For every animal mentioned in Class II., per mile threepence :

For every animal mentioned in Class III., per mile one penny halfpenny :

For the articles and goods mentioned in Class IV., per ton per mile one penny halfpenny ;

For the articles and goods mentioned in Class V., per ton per mile twopence :

For the articles and goods mentioned in Class VI., per ton per mile threepence :

For the articles and goods mentioned in Class VII. per ton per mile fourpence :

For any carriage mentioned under Class VIII., not weighing more than one ton, sixpence per mile ; if weighing more than one ton, one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

37. 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. Passengers
luggage.

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Terminal
station.

38. 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.

Foregoing
charges not
to apply to
special
trains.

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

Company
may take
increased
charges by
agreement.

40. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance 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.

Power to
South-
eastern
Railway
Company
to make
junctions.

41. The Company and the London, Chatham, and Dover Railway Company respectively shall permit the South-eastern Railway Company to make such convenient junction or junctions with the railways by this Act authorised, or with the railway of the London, Chatham, and Dover Railway Company, at or near Maidstone, as shall be necessary to enable the South-eastern Railway Company to run over or through the railways by this Act authorised, the position and method of forming such junction or junctions, failing agreement, to be settled by an engineer to be appointed by the Board of Trade.

Running
powers to
South-
eastern
Railway
Company.

42. The South-eastern Railway Company may run over and use, with their engines and carriages of every description, and with their clerks, officers, and servants, all or any part of the railways by this Act authorised, together with the stations, watering-places, water, booking offices, warehouses, landing-places, sidings, works, and conveniences connected therewith, or which may at any time hereafter be constructed by the Company in connexion with the railways by this Act authorised, and also, for the purpose of obtaining access to the railways of the Company, such part of the railway of the London, Chatham, and Dover Railway Company at or near Maidstone as shall lie between any of the junctions in the last preceding section mentioned and the railways by this Act authorised, including the Maidstone Station of the London, Chatham, and Dover Railway Company, together with all such works and conveniences as herein-before described with respect to the railways and stations of the Company.

[43 & 44 VICT.] *Maidstone and Ashford Railway* [Ch. clix.]
Act, 1880.

43. The terms, conditions, and regulations to which the South-eastern Railway Company shall be subject in respect of running over and using the said railways and portion of railway and station, and the sidings, booking offices, and other conveniences aforesaid, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between the South-eastern Railway Company and the Company, or the London, Chatham, and Dover Railway Company, as the case may be, be from time to time determined by an arbitrator to be appointed by their common consent, or in default of such consent to be appointed by the Board of Trade, on the application of either of the Companies in difference, and the decisions of such arbitrator shall be binding and conclusive on the said Companies, and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct, and either of the said Companies who shall refuse or neglect to perform, observe, and conform to any decision given or regulation made by any such arbitrator in the premises, shall forfeit and pay to the other Company any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence shall continue.

A.D. 1880.
 Terms of
 such user.

44. The South-eastern Railway Company, in using or traversing the said railways and portion of railway, and in using the station and conveniences thereof, in accordance with the provisions hereinbefore mentioned, shall at all times observe the regulations and byelaws for the time being in force on the undertaking so used, so far as such byelaws shall be applicable to such Company in the exercise of the said powers.

Byelaws to
 be observed.

45. The Company, and the London, Chatham, and Dover Railway Company 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 agreements with respect to the following purposes, or any of them; (that is to say,)

Working
 and traffic
 arrangements
 with London,
 Chatham,
 and Dover
 Railway
 Company.
 36 & 37 Vict.
 c. 73.

The working, use, management, and maintenance of the railway and works, or any part or parts thereof:

The costs, charges, and expenses of such working, use, management, and maintenance:

The regulation, management, and transmission of the traffic of the railways of the Companies parties to any such agreement:

The collection, payment, division, apportionment, appropriation, and distribution of the tolls, rates, and charges arising from or in connexion with any such traffic.

[Ch. clix.] *Maidstone and Ashford Railway* [43 & 44 VICT.]
Act, 1880.

A.D. 1880.

Tolls on
traffic con-
veyed partly
on railways
of Company
and partly
on other
railways.

46. Where under the provisions of this Act traffic is conveyed partly on the railway of the Company and partly on the railway of any other company, the railway of the Company and the railway of such other company shall for the purposes of tolls 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 of the Company and partly on the railway of any other company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every half a mile beyond four miles, tolls and charges as for half a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway of the Company and partly on the railway of any other company.

Interest not
to be paid
on calls paid
up.

47. 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.

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

48. 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.

Provision as
to general
railway Acts.

49. Nothing in this Act shall exempt the Company or their railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels authorised by this Act.

Expenses
of Act.

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