



CHAPTER cxxxii.

An Act for making a Railway from Canterbury through the Elham Valley to join the South-eastern Railway in the Parish of Cheriton in the County of Kent and for other purposes. A.D. 1881.
[18th July 1881.]

WHEREAS the making and maintaining of the railway herein-after 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 incorporated by this Act (herein-after called the "Company") and any company or persons for the time being working or using the railway of the Company or any part or parts thereof should be authorised to run over work and use the portions of railway and stations herein-after in that behalf mentioned :

And whereas it is expedient that the Company on the one hand and the South-eastern Railway Company on the other hand should be empowered to enter into and carry into effect working and other agreements as herein-after 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 clerks of the peace for the county of Kent and county of the city of Canterbury 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

[Ch. cxxxii.] *Elham Valley Light Railway* [44 & 45 VICT.]
Act 1881.

A.D. 1881. — 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 Elham Valley Light Railway Act 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

2. 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 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.

Interpretation 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. William Alexander Mackinnon Percy Dixwell Nowell Oxenden Alfred Mellor Watkin John Bennett Tolputt Benjamin Horton Henry Bean Mackeson George Russell 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 Elham Valley Light 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 railway herein-after described with all proper bridges viaducts 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-after referred to and authorised by this Act is wholly situate in the county of Kent and is :

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Power to
make rail-
way.

A railway sixteen miles two furlongs four chains and eighty links in length wholly situate in the county of Kent commencing in the parish of St. Michael Harbledown in that county by a junction with the South-eastern Railway at the southern side of the bridge carrying the London Chatham and Dover Railway over the said South-eastern Railway and terminating in the parish of Cheriton by a junction with the South-eastern Railway at the western side of the bridge which carries the public road from Horne Street to Cheriton Street over the said South-eastern Railway.

6. In the construction of the railway the Company shall at their own expense and to the reasonable satisfaction of the surveyor for the time being of the Bridge rural sanitary authority acting as the highway board, construct and maintain a subway of at least seven feet in height and seven feet in width with convenient approaches on both sides thereof under the railway at the point where the road numbered 2 in the parish of St. Michael Harbledown and 2 in the parish of Holy Cross Westgate Without is crossed on a level by the railway at three chains and sixty links from the commencement thereof.

Subway
under rail-
way at
Harbledown.

7. The railway shall be constructed and worked as a light railway within the meaning and subject to the provisions of the Regulation of Railways Act, 1868.

Railway to
be a light
railway.
31 & 32 Vict.
c. 119.

8. And whereas it is intended that the railway hereby authorised shall cross the river Stour in the valley of Tonford within a commission of sewers for several limits in the eastern parts of the county of Kent: Be it therefore enacted that all embankments to be made across the said valley by which the river Stour or any part thereof or any sewer or part thereof shall be liable to be affected and all arches and bridges to be made over the said river Stour and over every sewer in the said valley and every sewer to be made to carry the water from the ditches to be formed on the sides

Crossing
the river
Stour.

A.D. 1881. — of the said railway into the river Stour or any of the sewers leading thereto shall be made and constructed to the reasonable satisfaction of the commissioners of sewers for the several limits in the eastern parts of the county of Kent and under the inspection and to the reasonable satisfaction of the engineer or surveyor for the time being of the said commissioners and so as not to injure or obstruct the free passage of the water in the said river Stour and in the said sewers or any of them.

Protection of commissioners of sewers for the county of Kent.

9. Nothing herein contained shall extend or be deemed or construed to extend to prejudice lessen alter or take away any of the rights privileges powers and authorities of the commissioners of sewers for the several limits in the county of Kent by virtue of the general laws relating to sewers but that such rights privileges powers and authorities of the said commissioners of sewers shall remain continue and be in full force and effect.

Company not to take certain property in Thannington parish. Capital.

10. Notwithstanding anything in this Act the Company shall not enter upon take or use any part of the property numbered 20 in the parish of Thannington in the county of the city of Canterbury on the deposited plans.

11. The capital of the Company shall be one hundred and fifty thousand pounds in fifteen thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

12. 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.

Calls.

13. 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.

Receipt in case of persons not sui juris.

14. 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.

Power to borrow.

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

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16. 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 five thousand pounds in the whole.

Appoint-
ment of
receiver.

17. 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.

18. 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.

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

First
ordinary
meeting.

20. The number of the directors shall be seven but the Company may from time to time reduce the number provided that the number be not less than three.

Number of
directors.

21. The qualification of a director shall be the possession in his own right of not less than forty shares.

Qualification
of directors.

22. The quorum of a meeting of directors shall be four but if the number be reduced to three the quorum shall be two.

Quorum.

23. William Alexander Mackinnon Percy Dixwell Nowell Oxenden Alfred Mellor Watkin John Bennett Tolputt Benjamin Horton Henry Bean Mackeson and George Russell shall be the first

First
directors.

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Election of
directors.

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.

Lands for
extra-
ordinary
purposes.

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

Period for
compulsory
purchase of
lands.

25. 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 certain
roads on the
level.

26. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways 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 roads next hereinafter mentioned (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.
2 }	St. Michael Harbledown	} Public roads.
2 }	Holy Cross, Westgate Without	
49	Barham - - - -	
45	Elham - - - -	

Inclination
of roads.

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

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No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
3 11 27	Bridge - - Barham - - Barham - -	Public roads - {	1 in 14 { on one side 1 in 9 { and level 1 in 9 { on the other.

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28. The Company may make the roadways over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

Width of certain roadways.

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
7 17 & 20 50 11 & 12 31 67 67 & 69 86 31 48 24 40	St. Mary Bredin - - Bishopsbourne - - Barham - - Elham - - Elham - - Elham - - Elham - - Elham - - Lyminge - - Lyminge - - Newington-next-Hythe - Newington-next-Hythe -	Public roads	18 feet. 18 feet. 18 feet. 18 feet. 20 feet. 18 feet. 18 feet. 18 feet. 18 feet. 18 feet. 18 feet. 18 feet.

29. 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 agreements.

30. 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

Notice to be given of taking houses of labouring classes.

A.D. 1881. certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Power to appropriate lands for erection of dwellings for labouring classes.

31. The Company may from time to time if and when they think fit appropriate any lands acquired by them under the powers of this Act and which may not be required for the railways and works for the purpose of the erection of dwelling-houses or buildings for persons belonging to the labouring classes whose dwellings may be required for the works by this Act authorised and before displacing any person or persons belonging to the labouring classes who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire the Company shall procure sufficient accommodation elsewhere for such person or persons unless the Company and such person or persons otherwise agree provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice.

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

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 seven thousand four hundred and seventy-one pounds eight shillings and threepence consolidated three pounds 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 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 the 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 Chancery Division 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. A.D. 1881.

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 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 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. Application of deposit.

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 Period for completion of works.

A.D. 1881. railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls. **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) :—

Passengers. 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 :

Goods. In respect of goods and minerals conveyed upon the railway :

Class 4. For all coal 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 :

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 : A.D. 1881.

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.

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. Toll for propelling power.

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

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. Short distances.

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. Fractional parts of 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. Fractional parts of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight. General 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 on in proportion for any smaller quantity. Weight of stone and timber.

38. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding. Tolls for small parcels and articles

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of great
weight.

ing 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 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.

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 per mile.

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):—

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Maximum
rates for
animals and
goods.

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.

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.

Passengers
luggage.

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.

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.

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Company
may take
increased
charges by
agreement.

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.

Power to
use portions
of South-
eastern
Railway, &c.

45. The Company and any company or persons for the time being working or using the railway of the Company or any part thereof may run over work and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of traffic of every description the portions of railway and stations herein-after mentioned or some part or parts thereof (that is to say) :—

(a.) So much of the South-eastern Railway as lies between the point of junction therewith of the railway by this Act authorised and the Canterbury Station of the South-eastern Railway Company including the said station.

(b.) So much of the South-eastern Railway as lies between the point of termination of the railway by this Act authorised and the Shorncliffe Station of the South-eastern Railway Company including the said station.

And all roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences upon or connected with the said portions of railway and stations. And as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon in and in respect of the said portions of railway and stations as they would be entitled to take if such railway and stations were part of the railway by this Act authorised.

Terms of
user of
portions of
South-
eastern
Railway &c.

46. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or such other company or persons as aforesaid for and in respect of the use of the said portions of railway and stations and other works and conveniences shall be such as are from time to time agreed upon between them and the South-eastern Railway Company or failing such agreement as may from time to time be determined by the Railway Commissioners on the application of any or either of the companies interested and the costs of the

arbitration shall be in their discretion and the decisions of the said Commissioners shall be final and binding on all parties. A.D. 1881.

47. The Company on the one hand and the South-eastern Railway 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 working agreements with South-eastern Company. 36 & 37 Vict. c. 76.

The working use management and maintenance of their respective railways stations and works or any part or parts thereof respectively.

The supply and maintenance under any agreement for the respective railways being worked and used by the working company of engines stock and plant and the employment of officers and servants for the conduct of traffic on the respective railways or any part thereof necessary for the purposes of such agreement.

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 and 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.

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

Tolls on traffic conveyed partly on railway and partly on South-eastern Railway.

[Ch. cxxxii.] *Elham Valley Light Railway* [44 & 45 VICT.]
Act 1881.

A.D. 1881. — made for the conveyance of passengers animals or goods partly on the railway and partly on the railways of the South-eastern Railway Company.

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.

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

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.

Provision as to general Railway Acts.

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.

Expenses of Act.

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.