

[45 & 46 VICT.] *Lydd Railway (Extensions) Act, 1882.* [Ch. clv.]



CHAPTER clv.

An Act to authorise the Lydd Railway Company to extend their railway to Headcorn and New Romney in the county of Kent to raise further money and for other purposes. A.D. 1882.
—
[24th July 1882.]

WHEREAS by the Lydd Railway Act 1881 the Lydd Railway Company (herein-after called the Company) were incorporated and were empowered to make and maintain a railway from the Rye and Hastings Branch of the South-eastern Railway Company in the parish of Kennardington in the county of Kent to Lydd in that county. 44 & 45 Vict.
c. v.

And whereas such railway has been constructed and opened for public traffic.

And whereas the making and maintaining of the railways jetty and works described in and to be authorised by this Act would be of public and local advantage.

And whereas it is expedient that the Company should have power to carry their authorised railway across and upon the level of the public road numbered 4 in the parish of Ivychurch on the plans referred to in the Lydd Railway Act 1881.

And whereas it is expedient that the Company on the one hand and the South-eastern Railway Company (herein-after called the South-eastern 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 it is expedient that the Company be authorised to raise further capital.

And whereas it is expedient that the Company should be empowered to enter into and carry into effect vary or rescind agreements with Her Majesty's Secretary of State for War with respect to the user of tramways belonging to Her Majesty's War Department and for the other purposes herein-after expressed.

And whereas plans and sections showing the lines and levels of the railways and jetty authorised by this Act and also books of
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A.D. 1882. 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 herein-after respectively referred to as the deposited plans sections and books of reference.

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

Short title. 1. This Act may be cited as the Lydd Railway (Extensions) Act 1882.

Incorporation of Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 27.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.
8 & 9 Vict. c. 16.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Harbours Docks and Piers Clauses Act 1847 (except the provisions thereof with respect to life boats and with respect to keeping a tide and weather gauge unless and until the Board of Trade so require) the Railways Clauses Consolidation Act 1845 Part I (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely—

The distribution of the capital of the Company into shares:

The transfer or transmission of shares:

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

The forfeiture of shares for nonpayment of calls:

The remedies of creditors of the Company against the shareholders:

The borrowing of money by the Company on mortgage or bond:

The conversion of the borrowed money into capital:

The consolidation of the shares into stock:

The making of dividends:

The giving of notices: and

The provisions to be made for affording access to the special Act by all parties interested.

26 & 27 Vict. c. 118.

Also Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 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 railway" includes the several railways authorised by this Act 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.

A.D. 1882.
Interpreta-
tion of terms.

4. 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 jetty and works hereinafter described with all necessary and convenient bridges viaducts rails sidings turntables stations approaches roads junctions landing-places and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. The railways jetty and works authorised by this section will be wholly situate in the county of Kent and are :

Power to
make rail-
ways &c.
according to
deposited
plans.

(1.) A railway (No. 1) 13 miles 5 furlongs and 19 yards in length commencing in the parish of Headcorn by a junction with the rails of the main line of the South-eastern Railway Company at or near a point 2 furlongs $1\frac{1}{4}$ chains or thereabouts measured along the line towards Headcorn Station of that company from the London face of the bridge by which the highway from Headcorn to Biddenden is carried over the said South-eastern Railway near Headcorn Station and terminating in the parish of Kennardington by a junction with the South-eastern Company's Rye and Hastings Branch Railway at a point $3\frac{1}{2}$ chains or thereabouts measured along that line towards Hastings from the Hastings side of the public highway level crossing at Appledore Station :

(2.) A railway (No. 2) 5 furlongs and 130 yards in length commencing in the parish of Appledore in a field known as the House Field and in the occupation of Richard Neve by a junction with Railway (No. 1) at a point 13 miles 1 furlong and $6\frac{3}{4}$ chains or thereabouts from the commencement of that railway and passing through the said parish of Appledore into the parish of Snargate and terminating in that parish by a junction with the Company's railway authorised by the Lydd

A.D. 1882.

Railway Act 1881 at a point 4 furlongs or thereabouts measured along that railway from its junction with the Rye and Hastings Railway of the South-eastern Company.

(3.) A railway (No. 3) 3 miles 0 furlongs and 24 yards in length commencing in the parish of Lydd by a junction with the Company's authorised railway at a point 7 furlongs 7·30 chains or thereabouts measured along the railway towards Dungeness lighthouse from the easternmost face of the bridge by which the highway from Lydd to New Romney is carried over the Company's said railway and passing through the said parish of Lydd into the parish of New Romney and terminating in that parish at the southern side of Gun Lane and the north-eastern corner of a field abutting thereon belonging to the mayor jurats and commonalty of the town and port of New Romney and in the occupation of John Humphrey.

(4.) A jetty in the parish of Lydd in the county of Kent commencing at a point about 1,500 feet east of the lighthouse at Dungeness Point and extending thence seaward about 350 feet.

Provided always that in constructing the said jetty the Company shall not without the consent in writing of the Board of Trade under the hand of one of their secretaries or assistant secretaries deviate to the southward of the centre line of the said jetty shown on the deposited plans. If any deviation is made in contravention of this section the Board of Trade may abate and remove the work in the construction whereof the deviation is made or any part thereof and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Limits of jetty.

5. The prescribed limits of the jetty shall be 350 feet from any part of the jetty.

For protection of trustees of burial ground at Tenterden.

6. Nothing in this Act contained shall authorise the Company to enter upon take and use compulsorily the lands and hereditaments in the parish of Tenterden in the county of Kent numbered 68 and 69 on the plans deposited in respect of the Headcorn Tenterden and Appledore Railway by this Act authorised.

Tolls for use of railways.

7. With respect to tolls and charges and for all other purposes whatsoever the railways shall be part of the Company's undertaking.

Lands for extraordinary purposes.

8. 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 six acres.

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9. 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 herein-after mentioned (that is to say):

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Power to cross certain roads on the level.

No. on deposited Plan.	Parish.	Description of Road.
RAILWAY (No. 1).		
7	Frittenden	Public road
87	Biddenden	Public road
95	Appledore	Public road
RAILWAY (No. 3).		
7A	Lydd	Public road
8A	Lydd	Public road
8B	Lydd	Public road
3	New Romney	Public road

10. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say):

Height and span of bridges.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
RAILWAY (No. 1).				
13	Tenterden	Public road	15 ft.	20 ft.
27	Old Ebony	Public road	16 ft.	33 ft.

11. 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 authorised by the Act of 1881 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 upon the level of the public road numbered 4 on the plans referred to in that Act in the parish of Ivychurch and the Company may

Level crossing at Ivychurch.

A.D. 1882. — construct and maintain all necessary works and conveniences in connexion with such level crossing.

Saving
rights of the
Crown in
the fore-
shore.

12. 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.

As to works
below high-
water mark.

13. The Company shall not construct any works on any part of the shore of the sea where and so far up the same as the tide flows and re-flows without the previous consent of the Board of Trade to be signified in writing and then only according to such plan and under such restrictions and regulations as the said Board approve of such approval being signified as last aforesaid and where any such work shall have been constructed with such consent as aforesaid the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals and if any such work shall be commenced or completed without such consent and approval the said Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Company and the amount of such costs shall be a debt due to the Crown and recoverable against the Company accordingly.

Survey of
works by
Board of
Trade.

14. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement
of work
abandoned or
decayed.

15. If a work constructed by the Company on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall

be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company. A.D. 1882. —

16. The Company shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves and notwithstanding the enactments for the time being in force respecting lighthouses shall also on or near the work when completed always maintain exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves. Lights on works.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

17. 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.

18. 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 20 a sum of seven thousand nine hundred pounds Consolidated Three per Cent. Annuities being equal to five per centum upon the amount of the estimate in respect of the railways and a sum of twenty-four pounds being equal to four per centum upon the amount of the estimate in respect of the jetty have 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 sums are referred to in this Act as the deposit fund) Be it enacted that notwithstanding anything contained in the said Act so much of the said deposit fund as is equal to five per centum upon the amount of the estimate in respect of the railways which last-mentioned sum is herein-after referred to as "the railway deposit money" 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 Railway deposit money not to be repaid except so far as railways opened.

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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 railways open the same for the public conveyance of passengers. Provided that if within such period as aforesaid the Company open any portion of the railways 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 railways opened as aforesaid and the portion of the railway deposit money which bears to the whole of the railway deposit money the same proportion as the length of the railways so opened bears to the entire length of the railways the Chancery Division shall on the application of the depositors or the majority of them order the portion of the railway deposit money specified in the certificate to be paid or transferred to them 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 railway
deposit.

19. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in every such case the railway deposit money 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 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 railway deposit money has been found sufficient to satisfy all just claims in respect of such compensation then the railway deposit money 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 railway deposit money has been repaid or re-transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon or any portion thereof shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

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20. On the application of the depositors by petition in a summary way at any time after the passing of this Act the Chancery Division may and shall order that the said sum of twenty-four pounds part of the said deposit fund and the interest and dividends thereof respectively shall be paid to the depositors.

Release of
balance of
deposit
fund.

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

Period for
completion
of railways
jetty and
works.

22. The powers of the Company for the compulsory purchase of lands authorised by this Act to be taken shall not be exercised after the expiration of three years from the passing of this Act.

Period for
compulsory
purchase of
lands.

23. The Company may hold enjoy and maintain and may build provide and lease refreshment rooms at Tenterden Lydd and New Romney or at any of those places in connexion with their several railways and may furnish stock manage and conduct any such refreshment rooms and the business thereof and may employ officers managers and servants therein or in connexion therewith and the Company may apply their corporate funds to any of those purposes and the Company may for all or any of those purposes appoint a committee or committees of management being directors of the Company on such terms and with such powers and duties as the directors may think fit.

Power to
provide and
maintain
refreshment
rooms.

24. The Company may apply to the purposes of this Act any of the money which they have raised or which they have power to raise by virtue of the Lydd Railway Act 1881 and which may not be required for the purposes to which they are by that Act made specially applicable.

Power to
apply cor-
porate funds
to purposes
of Act.

25. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole one hundred and sixty thousand pounds by the issue at their option of new ordinary shares or stock or new

Power to
raise
additional
capital.

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

Limit of amount and number of calls.

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

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

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

Power to borrow on mortgage.

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

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that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. A.D. 1882.

29. The principal money secured by all mortgages or bonds granted by the Company in pursuance of the powers of the Lydd Railway Act 1881 and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the said Act have priority over any mortgages granted by virtue of this Act. Existing mortgages to have priority.

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

31. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company to which capital is properly applicable. Application of moneys.

32. 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 and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised and shall have priority over all principal moneys secured by such mortgages. Power to create debenture stock.

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

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for Terminal charges (if any) to be specified on application.

A.D. 1882. conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

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

36 & 37 Vict.
c. 48.

Power to
use portion
of South-
eastern
Railway
and station.

34. The Company and any company or persons for the time being working or using the railways of the Company or any part or parts thereof may with the consent of the South-eastern Railway Company 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 purposes whatsoever and for the purposes of traffic of every description the portion of railway and station hereinafter mentioned or some part or parts thereof (that is to say) :

So much of the South-eastern Railway as lies between the point of junction therewith of the Headcorn Tenterden and Appledore Railway by this Act authorised and the Paddock Wood Station of the South-eastern Company including the said station.

And all sidings signals approaches waters watering places buildings works and conveniences upon or connected with the said portions of railways and station. And as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said portion of railway and station as the South-eastern Company are entitled to take in respect of the same.

Terms of
such user.

35. 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 or in respect of the use of the said portion of railway and station and other works and conveniences shall be such as are from time to time agreed upon between them and the South-eastern 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 decision of the said commissioners shall be final and binding on all parties.

Power to
enter into
working
agreements
with South-
eastern
Company.

36. 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

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with respect to the following purposes or any of them that is to A.D. 1882.
say :—

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

The supply and maintenance during the continuance and for the purposes of 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 stations or any part or parts 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 stations and works aforesaid 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.

37. During the continuance of any agreement to be entered into under the provisions of this Act between the Company and the South-eastern Company or the exercise of the running powers herein-before given the railways of the Company and of the South-eastern 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 made for the conveyance of passengers animals or goods partly on the railway and partly on the railways of the South-eastern Company.

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

38. Nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof or take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by Her Majesty's Principal Secretary of State for the War Department for

Saving rights of the Principal Secretary of State for the War Department.

A.D. 1882. the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary of State for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Company.

Power for South-eastern Company to subscribe to funds of Company.

39. The South-eastern Railway Company may with the authority of three fourths of their shareholders present in person or by proxy at a general meeting of that company specially convened for the purpose from time to time subscribe any sum which they think fit towards the undertaking of the Company not exceeding in the whole fifty thousand pounds either by taking ordinary or preference stock or shares in the capital of the Company or by guaranteeing the payment of interest or dividend on the whole or any part of the share capital of the Company not exceeding in nominal amount fifty thousand pounds and the South-eastern Railway Company may with the like authority contribute and apply towards the payment of their subscription under this section any money which they are authorised to raise and which may not be required by them for the purposes of their undertaking. Provided always that the South-eastern Railway Company shall not sell dispose of or transfer any of the shares or stock in the Company for which they may subscribe. And provided furthermore that every share or stock certificate the interest or dividend on which shall be guaranteed by that Company under the powers of this Act shall be endorsed with notice that such interest or dividend has been so guaranteed.

Power to agree with Secretary of State for War for use of tramways &c.

40. The Company on the one hand and Her Majesty's Secretary of State for War on the other hand may from time to time enter into and carry into effect vary and rescind agreements for the following purposes or any of them that is to say the making of any junction or junctions between the railway and any tramways now constructed or to be constructed belonging to Her Majesty's Secretary of State for War or the War Department and for the use by the Company of such tramways or any of them and the works and conveniences thereof.

Interest not to be paid on calls paid up.

41. 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

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

[45 & 46 VICT.] *Lydd Railway (Extensions) Act*, 1882. [Ch. clv.]

ing 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. 1882.

paid out of
capital.

43. Nothing in this Act contained shall exempt the Company or
the railways from the provisions of any general Act relating to
railways or the better or 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
to be taken by the Company.

Provision as
to general
Railway
Acts.

44. All costs charges and expenses of and incident to the pre-
paring for obtaining and passing of this Act or otherwise in relation
thereto shall be paid by the Company.

Costs of Act.

