



CHAPTER cxxxvii.

An Act for authorising the South-eastern Railway Company to execute various works and conferring on them further powers in respect of their own undertaking and of the undertakings of other companies and for other purposes. A.D. 1885.
[31st July 1885.]

WHEREAS it is expedient that the South-eastern Railway Company (in this Act called "the Company") be authorised to make and maintain the railways and to widen certain portions of their existing railways and to execute the other works and to exercise the other powers in this Act severally mentioned and to acquire and hold for the purposes of the works by this Act mentioned and for the general purposes of their undertaking the lands in this Act also mentioned.

And whereas it is expedient that the harbour at Folkestone be improved and extended as in this Act provided.

And whereas it is expedient that the Company should be empowered to guarantee interest or dividend on the capital of the Bexley Heath Railway Company and of the Lydd Railway Company respectively and to take and hold shares or stock in the capitals of those companies respectively.

And whereas it is expedient that provisions should be made such as are in this Act contained with respect to the making of agreements such as are in this Act mentioned by the Company and the Metropolitan Board of Works vestries district boards and urban sanitary authorities and other authorities corporations associations persons or bodies in this Act mentioned.

And whereas it is expedient that some of the provisions of Acts relating to the Company should be amended as herein-after provided.

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

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

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

And whereas plans and sections showing the lines and levels of the railways railway widenings piers and other works by this Act authorised and the lands in or through which the same are intended to be made and plans of the lands which the Company are by this Act empowered to acquire and books of reference to those respective plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the respective clerks of the peace for the counties of Kent Surrey and Middlesex and are herein-after respectively referred to as the deposited plans sections and books of reference.

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

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

Short title.

1. This Act may be cited as the South-eastern Railway (Various Powers) Act 1885.

Incorporation of general Acts.

2. The under-mentioned enactments are except where expressly varied by this Act incorporated with and form part of this Act:—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883.

The Railways Clauses Consolidation Act 1845.

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely:—

The distribution of the capital of the Company into shares.

The transfer or transmission of shares.

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

The forfeiture of shares for non-payment of calls.

The remedies of creditors of the Company against the shareholders.

The borrowing of money by the Company on mortgage.

The conversion of borrowed money into capital.

The consolidation of shares into stock.

The general meetings of the Company and the exercise of the right of voting by the shareholders.

The making of dividends.

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

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863.

Part I. (relating to the construction of a railway) and Part II. (relating to the extension of time) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847.

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

Interpretation of terms.

4. The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or extra parochial places in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or extra parochial place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

Interpretation of term "parish clerks" &c.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and the widenings of (in which expression in this Act are included the alteration and improvement of and the laying down of additional lines of rails upon) the railways and the other works herein-after severally described with all proper stations sidings 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 book of reference as may be required for those purposes. The railways and widenings authorised by this section are—

Power to make railways, widenings, and works.

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(A.) RAILWAY IN KENT.

(1.) A railway 1 mile 2 furlongs and 1·15 chains in length to be called the Cheriton Arch Station to Folkestone Harbour Railway wholly in the parish and township of Folkestone commencing by a junction with the main line of the Company at a point 2 chains 65 links or thereabouts from the eastern end of the down platform in Cheriton Arch Station measured in the direction of Dover along the said main line and terminating by a junction with the Harbour Branch Railway of the Company at a point 1 chain or thereabouts from the south side of Radnor Street measured along the said branch railway in a southerly direction.

(B.) WIDENINGS OF RAILWAYS IN KENT AND SURREY.

- (2.) Widening No. 1. So much of the Company's railways in the parish of Lewisham in the county of Kent as lie on the down side thereof between a point on the down side of the Dartford Loop Railway No. 2 situate 6 chains and 20 links or thereabouts from the western side of Manor Lane measured along the railway in the direction of London and a point on the Company's Tunbridge and Dartford Railway No. 1 situate 8 chains and 50 links or thereabouts from Loampit Vale measured along the railway in the direction of London.
- (3.) Widening No. 2. So much of the Company's railway in the parishes of Lewisham and Saint Paul Deptford in the county of Kent on the up side thereof as lies between a point in the said parish of Lewisham on the northern side of Loampit Vale and a point upon the Company's railway in the said parish of Saint Paul Deptford 3 chains or thereabouts from the eastern side of George Street measured along the said railway towards St. John's Station.
- (4.) Widening No. 3. So much of the Company's railway on the down side thereof in the parish of St. Paul Deptford in the county of Kent as lies between a point situate $5\frac{1}{2}$ chains or thereabouts from the northern side of St. John's Road measured along the said railway towards New Cross Station and a point upon the said railway situate $7\frac{1}{2}$ chains or thereabouts from the northern side of Florence Road measured along the said railway in the direction of New Cross Station.
- (5.) Widening No. 4. So much of the Company's railway in the parishes of Saint Paul Deptford in the county of Kent and Saint Paul Deptford in the county of Surrey on the up side

thereof as lies between a point in the said parish of Saint Paul Deptford in the county of Kent situate 4 chains or thereabouts from the northern side of Florence Road measured along the said railway in the direction of New Cross Station and a point in the parish of Saint Paul Deptford in the county of Surrey on the Company's Greenwich and Bricklayers' Arms Junction Railway situate 2 chains or thereabouts from the Grand Surrey Canal Junction measured along the said railway towards Bricklayers' Arms Station.

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(C.) DEVIATION RAILWAY IN KENT.

(6.) Deviation railway. In connexion with the said Widening No. 4 a diversion of the East London (South-eastern Up Line Junction) in the parish of Saint Paul Deptford in the county of Kent by the construction of a deviation railway commencing in the parish of Saint Paul Deptford in the county of Kent by a junction with the said East London (South-eastern Up Junction Line) at Trundley's Lane aforesaid and terminating by a junction with the said Widening No. 4 at a point in the parish of Saint Paul Deptford in the county of Kent immediately opposite the existing up line junction of the East London Railway with the Company's railway on the London side of New Cross Station.

6. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make the diversions and alterations of roads and streets and construct the harbour works and execute the other works herein-after severally described with all proper works and conveniences connected therewith respectively and may exercise the other powers herein-after mentioned 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 those purposes (that is to say)—They may—

Power to
make other
works.

(a.) Divert the present channel and course of the River Ravensbourne wholly in the parish of Lewisham in the county of Kent and may make a new cut or channel commencing at a point 2 chains or thereabouts north-west of the bridge which carries the Mid Kent Railway over the said river and terminating by a junction with that river at the northern boundary of the Enclosure No. 231a on the Ordnance map ($\frac{1}{2500}$ scale) for the parish of Lewisham.

(b.) Divert so much of the public road in the parish of Lewisham in the county of Kent known as Morley Road as lies between

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its junction with Lewisham Road and a point $3\frac{1}{2}$ chains or thereabouts from the south side of Lewisham Road measured along the said Morley Road.

(c.) Divert Porson Street in the parish of Lewisham in the county of Kent such diversion commencing on the eastern side of the railway bridge at Park's Bridge Junction and terminating at the intersection of Hanover Street with Porson Street aforesaid.

(d.) Divert the public road in the parish of Saint Paul Deptford in the county of Kent known as Alpha Road which connects Florence Road with the south-western end of Florence Street.

Power to
make piers,
&c.

7. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans and according to the levels shown on the deposited sections in the parish and township of Folkestone in the county of Kent and in the bed of the English Channel adjoining that parish and county construct and maintain the piers and other works herein-after severally described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes (that is to say)--

(a.) A western pier or breakwater in continuation of the horn or sea wall leading from the Folkestone Harbour mouth to the new deep water landing pier such pier or breakwater to commence at the termination of the said horn or sea wall and to be continued thence for a distance of 200 yards or thereabouts measured in a southerly direction from the south side of the said existing new pier and from thence to be continued in a south-easterly direction for 75 yards or thereabouts and thence running due east for a distance of 400 yards or thereabouts and terminating at that point in a head.

(b.) A new pier or breakwater partly in the said parish and township of Folkestone and partly in the bed of the English Channel commencing on the seashore at or about high-water mark ordinary spring tides at a point 730 yards or thereabouts to the eastward of the present east pier and extending thence in a direction south by east for a distance of 380 yards or thereabouts and thence in a direction south-west by south for a distance of 550 yards or thereabouts and terminating at that point in a head.

(c.) An extension of the existing main outfall sewer in the parish and township of Folkestone in the said county of Kent belonging or reputed to belong to the mayor aldermen and burgesses of the borough of Folkestone acting as and herein-after called

the urban sanitary authority within the said borough such extension being wholly in the said parish and township of Folkestone and commencing at the present termination of the said existing sewer at or near the eastern pier or breakwater of Folkestone Harbour continuing thence in an easterly direction beneath the foreshore and terminating at or near Copt Point.

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(d.) All proper embankments piling walls piers groynes sluices jetties dolphins moorings buoys beacons quays wharves landing stages tramways staiths drops cranes lifts machinery apparatus and appliances.

(e.) Provided that in executing the harbour works by this section authorised the Company shall provide land not exceeding five acres in extent for a site for a fort at Folkestone to the satisfaction of the Secretary of State for War and shall vest such land in the said Secretary of State and shall also provide to the satisfaction of the said Secretary of State a clearance area not exceeding twenty-five acres in extent.

8. The Company shall at the outer extremity of their harbour works exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House shall from time to time direct. 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.

Company to exhibit lights.

9. The limits of the existing harbour at Folkestone are hereby extended so as to include therein for all purposes of and relating to the Company's undertaking and of this Act the new pier or breakwaters and other works and conveniences connected therewith and authorised by this Act and the lands foreshore bed of the English Channel and waters included within or between the said new pier or breakwaters and the provisions of an Act passed in the 47th year of the reign of His late Majesty George III. intituled "An Act for constructing a pier and harbour at or near the town of Folkestone in the county of Kent" and of any other Act relating to the harbour at Folkestone shall extend and apply to the said harbour as and when extended as aforesaid and the Company may for and in respect of the said harbour as extended by this Act demand levy and recover all such and the same rates dues and charges as are now leviable chargeable and recoverable by the Company in respect of the said existing harbour :

Extending limits of existing harbour at Folkestone.

Provided always that it shall not be incumbent upon any collector or other officer of customs whatsoever to refuse clearance to any vessel on account of the non-payment of any harbour rates dues or charges unless with the special consent of the Commissioners of Her

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Inclination of roads.

10. 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):

Railway.	No. on Plan.	Parish of	Description of Road.	Inclination.
Widening No. 3 -	15	St. Paul Deptford -	Public -	1 in 18

Height and span of bridges.

11. 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):

Railway.	No. on Plan.	Parish of	Description of Road.	Heights.	Spans.
Railway No. 1 -	1	Parish and township of Folkestone - -	Public -	ft. in. 22 6	18 0
„ -	21	Do. - -	„ -	16 0	18 0
„ -	109	Do. - -	„ -	13 6	30 0
Widening No. 1 -	78	Lewisham - -	„ -	13 0	20 0

Widths of certain roadway.

12. The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the width herein-after mentioned (that is to say):

Railway.	No. on Plan.	Parish.	Description of Road.	Width of Roadway.
Widening No. 1 -	21	Lewisham - -	Public -	18 ft. 0 in.

Railways to form part of railways of Company.

13. Subject to the provisions of this Act the Railway No. 1 widenings of railways and the works connected therewith respectively constructed under the authority of this Act shall for all

purposes whatsoever including the levying of tolls fares rates and charges be deemed to be part of the South-eastern Railway. A.D. 1885.

14. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate for the purpose of enlarging and extending their stations and siding accommodation and for roads and approaches and for other purposes of and connected with their undertaking the lands houses and buildings herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto namely—

Purchase of additional lands.

(1.) In the county of Middlesex certain lands situate in Bush Lane in the parish of St. Swithin London Stone in the city of London and in the occupation of Frederick Barron.

(2.) In the county of Kent—

(a.) In the parish of Beckenham lands belonging or reputed to belong to Edward Hacker adjoining the Mid-Kent Railway of the Company on both sides thereof and numbered 311A 313 378 and 380 on the Ordnance map (scale $\frac{1}{2500}$) for the parish of Beckenham:

Beckenham.

Provided that if the Company shall divert or interfere with the portion of the public footpath now passing along the northern side of the property numbered 4 in the parish of Beckenham on the deposited plans they shall carry out such diversion or interference to the reasonable satisfaction of the Beckenham Local Board.

(b.) In the parish of Saltwood lands belonging to or reputed to belong to William Deedes Esquire at or near the junction of the Hythe and Sandgate Branch with the main line of the Company at or near Sandling Park:

Saltwood.

Provided always that in the uses to which the Company shall devote the lands to be acquired by them under this Act in the parish of Saltwood due regard shall be had to the amenity of the estate of which such lands now form a part and the designs of any buildings to be erected on such lands shall be subject to the reasonable approval of the owner of the said estate and any difference which may arise under this proviso shall be referred to and determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

(c.) In the parish and township of Folkestone lands belonging or reputed to belong to the Right Honourable the Earl of Radnor and lying along the foreshore and the top of the cliff (including the cliff) between Copt Point and the

Folkestone.

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eastern side of the Company's workshops adjacent to the east pier at Folkestone Harbour.

(3.) In the county of Surrey—

Deptford.

(d.) Lands in the parish of Saint Paul Deptford situated on the north side of the Company's railway in the angle formed by the London Brighton and South Coast (Deptford Branch) Railway the East London Railway and the Company's railway.

Power to deviate.

15. The Company may in constructing any new road or altering any road under the authority of this Act and in executing the piers harbour sewer and other works by this Act authorised deviate from the lines thereof respectively to the extent of the limits of deviation marked on the deposited plans and they may deviate from the levels of the said works as shown upon the deposited sections to any extent not exceeding five feet :

Provided that the Company shall not exercise any such power of deviation as regards any road in the metropolis without the consent of the Metropolitan Board of Works.

As to vesting of site and soil of portions of road, &c., stopped up.

16. Subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway the site and soil of the portions of road and footpaths altered stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act they become the owners of the lands on both sides thereof be wholly and absolutely vested in the Company and they may appropriate the same to the purposes of their undertaking.

Extinguishment of rights of way.

17. All rights of way over or along the roads footpaths or other highways or portions thereof which shall under the provisions of this Act be altered or stopped up and all rights of way over any of the lands which shall under the compulsory powers of this Act be purchased or acquired shall be and the same are hereby extinguished.

Road and footpath not to be stopped up till altered road and new footpath opened.
Period for compulsory purchase of lands.

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

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

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

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Period for
completion
of railways.

21. And whereas in the construction of the Railway Widening No. 4 and the East London Deviation Railway (herein-after called "the said works") in the parish of St. Paul Deptford in the county of Kent it is intended to raise the level of the New Cross Road on which tramways are laid belonging to the London Tramways Company Limited (herein-after called "the tramways company") and it is expedient that provision should be made for the protection of the tramways works and property of the tramways company therefore the following provisions shall have effect:

For pro-
tection of
the London
Tramways
Company
Limited.

(a.) Before the Company interfere with the existing tramways on the said New Cross Road they shall with the approval and if necessary the consent of the Metropolitan Board of Works and of the Greenwich District Board of Works construct and complete to the reasonable satisfaction of the engineer to the tramways company deviation or temporary tramways and shall to the like satisfaction maintain the same in efficient working order until the tramways are relaid on the said road as altered and are in efficient working order. If any difference shall arise between the engineer of the Company and the engineer of the tramways company the same shall be settled by an engineer to be appointed by the Board of Trade on the request of either party.

(b.) As soon as the said works are completed the tramways company shall relay the tramways on the said road as altered to the reasonable satisfaction of the Metropolitan Board of Works and the Greenwich District Board of Works and the cost thereof including the paving for which the tramways company are responsible shall on demand be repaid to the tramways company by the Company and the Company shall also in like manner repay to the tramways company the cost of maintaining the said portion of road the tramways company are liable to maintain so far as the same may be necessary by reason of any subsidence of the road as altered for the period of six months after its completion.

(c.) If during or by reason of the execution maintenance repair or failure of the said works the tramways or any of the works

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connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the tramways company may make good the same and recover the costs thereof against the Company in any court of competent jurisdiction.

- (d.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the tramways company all costs losses damages and expenses which may be occasioned to them or to any person or persons using the said tramways by reason of the execution maintenance repair or failure of the said works or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the tramways company from all claims and demands upon or against them by reason of such execution maintenance repair or failure or of any such omission.
- (e.) Except as by this Act expressly provided nothing in this Act contained shall extend to prejudice diminish alter or in any way affect any of the rights privileges powers or authorities vested in the tramways company.

For the protection of the Surrey Commercial Dock Company.

22. The following provisions shall be in force for the protection of the Surrey Commercial Dock Company (herein-after called the dock company) and their canal and the works connected therewith in respect to the widening of the bridge and the side arches in connexion therewith over that canal (herein-after called the Surrey Canal) and the towing-paths and banks thereof by this Act authorised :—

- (a.) Nothing in this Act contained shall authorise or empower the Company to alter the line level or depth of the Surrey Canal or the line or level of the towing-paths thereof or any part thereof respectively or to obstruct the navigation of the Surrey Canal or any part thereof or the roadway on the north side thereof or to injure any of the works of the dock company and in crossing the Surrey Canal or towing-paths banks roadway and other works belonging thereto the Company shall not without the consent of the dock company in writing under their common seal for that purpose first had and obtained take or use more of the land or ground forming the said towing-paths banks roadway and other works belonging to that Company than shall be absolutely necessary for the purpose of making and erecting the additional abutments and piers required for widening the said existing bridge.

- (b.) The widening of the said existing bridge over the Surrey Canal shall be so executed (at the expense of the Company) that in lieu of the two existing openings with a central pier where crossing the Surrey Canal being continued a single span bridge shall be substituted with not less headway over the water in the Surrey Canal than is at present provided under the existing arches thereover and where the proposed widening will cross or cover the roadway on the north side of the Surrey Canal the widened archway shall be of the same width and of not less height than the existing side archway on that side of the canal.
- (c.) The dock company and all persons authorised by them from time to time shall have and for ever enjoy a similar exclusive right of way along the banks of the Surrey Canal under the proposed widened bridge and the proposed widened side archway on the north side of that canal with or without horses cattle waggons carts or carriages as is now vested in the dock company with respect to the banks under the existing bridge and the existing side arch on the north side of the Surrey Canal.
- (d.) The Company shall (before the completion of the widening of the said bridge and side arch in connexion therewith as authorised by this Act) to the reasonable satisfaction of the engineer for the time being of the dock company erect and build good and substantial brick retaining walls of the same character and height and in the same line as those of the existing retaining walls at and along the entire watersides of the bank or towing-path on each side of the Surrey Canal to the extent of the proposed widening of the said bridge and to such a length westward as may be reasonably required by the engineer of the dock company and leave the bottom of the Surrey Canal between the said retaining walls of not less depth than it is at present and shall for ever thereafter maintain and keep in good repair and condition the said respective retaining walls so to be erected and built as aforesaid to the reasonable satisfaction of the engineer of the dock company.
- (e.) Notwithstanding anything in this Act contained the site of the Surrey Canal towing-path bank side drains and land of the dock company under and adjoining the said bridge and the side arch thereof so to be widened as aforesaid shall except the dock company under their common seal otherwise consent in writing and except so much of their lands as may be necessary for the due execution of the Company's contemplated works as

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by this Act authorised limited and regulated (all of which lands so required shall be purchased by the Company from the dock company and paid for before the commencement of the proposed widening) continue vested in the dock company but subject and without prejudice to the exercise by the Company of all such rights and powers as are necessary for enabling the Company to widen the said bridge and side arch and to maintain them when so widened.

- (f.) During the execution of the works necessary for the aforesaid widening of the said bridge and side archway and the necessary repairs and renewals thereof the Company shall at all times leave an open and uninterrupted navigable waterway in the Surrey Canal of not less than 20 feet in width and an open and uninterrupted passage of not less than 10 feet in height from the top-water level of that canal and an open and uninterrupted passage of not less than five feet in width for the towing-path thereof and 12 feet in width for the roadway on the north side and wherever in widening the said main line of the said railway the widened portion thereof shall cross or be carried over or along or otherwise interfere with the existing culverts carrying the side drains of the Surrey Canal the Company shall forthwith make good with brickwork or cast-iron cylinders all damage caused to such culverts by reason of any such interference and shall for ever thereafter maintain such culverts where they shall be interfered with by the works of the Company on a proper level and in a proper direction and in good proper and substantial repair so as to admit of the free course of the water through the same respectively.
- (g.) The Company shall not only for ever hereafter maintain and keep in good repair the said existing bridge and side archway carrying the said railway over the said canal towing-paths banks roadway and other works of the dock company but also the widened bridge and side archway as authorised by this Act when the widening proposed and authorised by this Act shall have been effected.
- (h.) The Company shall make good all damage that may be occasioned to the works or property of the dock company by the widening of the said bridge and side arch and also by the renewals or repairs or want of renewals or repairs of such bridge and side arch when widened as authorised by this Act and if for seven days after notice in writing given to the Company by the dock company the Company neglect to proceed with due diligence to make good such damage that Company

may if they think fit and without prejudicing their remedies against the Company for any neglect default or omission on their part make good the same and the reasonable amount expended by them in so doing shall on demand be paid to them by the Company: Provided that in any case of pressing necessity the dock company may proceed to make good such damage without giving such notice as aforesaid without prejudice to their remedies as aforesaid and without prejudice to their right to claim and recover repayment from the Company on demand of the amount so expended by them. A.D. 1885.

(i.) If by reason of the execution by the Company of any of the works by this Act authorised or directed or by reason of the want of repair of any such works it shall happen that the navigation of the Surrey Canal shall be so obstructed that vessels boats or barges shall not be able freely to pass along such canal as heretofore the Company shall pay to the dock company as liquidated damages five pounds for every hour between 6 a.m. and 9 p.m. of any week day during which such hindrance or obstruction shall occur or continue together with the full costs of action and if by reason of the execution by the Company of any of the works by this Act authorised or directed or by reason of the want of repair of any such works it shall happen that the towing-paths or roadway thereof shall be so obstructed that carts or carriages or the horses drawing the same shall not be able freely to pass along such towing-paths or roadway as heretofore the Company shall pay to the dock company as liquidated damages ten pounds for every day from 6 a.m. to 6 p.m. and so in proportion for any part of such day during which such hindrance or obstruction shall occur or continue together with the full costs of action provided that the maximum daily penalty the Company shall be liable to shall not exceed fifty pounds per day.

(k.) Working drawings showing the manner in which the Company propose to widen the said bridge and arch shall (before the commencement of the works) be deposited at the office of the dock company and the said works shall not be commenced until the said plans shall have been approved of by the engineer for the time being of that company unless such engineer fails to signify his approval or disapproval or to give other directions within fourteen days after the deposit as aforesaid of such plans and generally all works authorised or directed by this Act to be made in or through the lands of the dock company shall so far as they affect such lands or the rights or interests of the

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dock company be made constructed and completed to the reasonable satisfaction of the engineer of the dock company.

(l.) If any difference or dispute shall arise between the engineer of the Company and the engineer of the dock company as to the execution of the works to be done by the Company under the powers of this Act or otherwise in relation to the provisions of this section the same shall be from time to time referred to and settled by an engineer to be agreed upon between the companies or in case of difference to be appointed on the application of either the Company or the dock company by the President for the time being of the Institute of Civil Engineers and the costs of such arbitration shall be in the discretion of the arbitrator.

(m.) Except as is by this Act otherwise expressly provided nothing in this Act contained shall take away lessen prejudice alter or affect any of the rights privileges property powers or authorities of the dock company or of any of their officers or servants.

For the protection of the East London Railway Company.

23. The following provisions for the protection of the East London Railway Company (in this section called "the East London Company") shall be observed and have effect.

(1.) Before the Company proceed to execute any of the works by this Act authorised affecting the East London Railway they shall furnish to the East London Company proper and sufficient plans and sections elevations and specifications of the works proposed to be made by the Company which will affect the railways belonging to the East London Company and such plans and sections elevations and specifications shall be settled and agreed upon between the respective engineers of the said companies In case of their failing to agree thereon or of any difference arising between them upon any matter or thing arising under this section the same shall be settled and determined by an engineer to be on the application of the two companies or either of them appointed by the Board of Trade and such works shall be carried into effect only in accordance with the plans and sections as so agreed on or settled and determined as aforesaid and under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the East London Company.

(2.) The Company shall at all times at their own expense maintain the bridge carrying the said widening over the railway of the East London Company and the banks adjoining in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the East London

Company and if and whenever the Company after seven days notice in writing to be given by the East London Company under the hand of their secretary and left at the office of the secretary of the Company fail so to do the East London Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the East London Company may reasonably think requisite and the sum from time to time certified by such engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the East London Company from the Company in any court of competent jurisdiction.

(3.) When the said deviation has been completed to the reasonable satisfaction in all respects of the engineer of the East London Company and has been certified by him to be so completed the said deviation shall forthwith vest in that Company and shall for all purposes (including the levying of tolls rates and charges in respect thereof) form part of the railway of that company in substitution for the portion of that railway in lieu of which the said deviation shall have been constructed provided that for the space of one year from the date of the said engineer's certificate of such completion the Company shall in all respects at their own expense maintain the said deviation and the bridges works and conveniences connected therewith in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said engineer of the East London Company and shall at the expiration of such period leave the same in such repair order and condition as last aforesaid and if and whenever the Company after seven days notice in writing to be given by the East London Company under the hand of their secretary and left at the office of the secretary of the Company fail so to do the East London Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the East London Company may reasonably think requisite and the sum from time to time certified by such engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company and in default of repayment the amount due may be recovered with full costs by the East London Company from the Company in any court of competent jurisdiction.

(4.) The Company shall not without in every case the previous consent of the East London Company in writing under their

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common seal take use enter upon or interfere with any of the lands belonging to the East London Company or which they have power to take or vary alter or interfere with the railways belonging to the East London Company or the sidings works or conveniences connected therewith except so far as it shall be necessary for the Company to take and use enter upon or interfere with the same for the purpose of making and maintaining the said widening and deviation in accordance with the provisions of this section.

- (5.) Where the said widening is carried over the East London Railway by a bridge on land belonging to the East London Company the Company shall purchase and take and the East London Company may and shall sell and grant accordingly only an easement or right of using the said land for the purpose of carrying the said widening by a bridge over such railway.
- (6.) If during the execution of the railway widening by this Act authorised the railway belonging to the East London Company or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the East London Company may make good the same and recover the cost thereof from the Company with full costs of suit in any court of competent jurisdiction.
- (7.) The Company shall not in making maintaining and using the widening deviation railway and works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways belonging to the East London Company or any traffic thereon and if at any time or times hereafter the free uninterrupted and safe user of the said railways or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall forfeit and pay to the East London Company fifty pounds per day or at that rate for any part of a day by way of ascertained damages for every day or part of a day during which such obstruction hindrance or interference shall continue.
- (8.) During the construction of the said widening and deviation railway over and adjacent to the railways belonging to the East London Company the Company shall bear and on demand shall pay to the East London Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their railways with reference to and during the execution of the said works and for preventing as far as may be all interference obstruction danger and accident to arise from any of the operations of the Com-

pany or from the acts or defaults of the contractors or of any person or persons in their employ or otherwise and all costs and expenses which the East London Company may incur in reference to the examination and approval of such plans sections elevations and specifications and the construction of such works (if any) as in this section mentioned shall be paid by the Company to the East London Company or may be recovered by them from the Company with full costs of suit in any court of competent jurisdiction.

(9.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the East London Company all costs losses damages and expenses which may be occasioned to the railways belonging to the East London Company or to any of the works or property thereof or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of the said widening and deviation railway and the works in connexion therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the East London Company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission.

(10.) If by reason of the making of the widening or deviation railway it becomes necessary to add to or alter any signal or signals upon the railways belonging to the East London Company the same shall be so added to or altered by the East London Company and the reasonable expense thereof shall be paid to them by the Company.

(11.) Except by this Act expressly provided nothing in this Act contained shall extend to prejudice diminish or alter or in any way affect any of the rights privileges powers or authorities vested in the East London Company.

24. The widening (No. 2) by this Act authorised shall be subject to the provisions and restrictions herein-after contained for the protection of the London Chatham and Dover Railway Company (in this section called "the Chatham Company") and such provisions and restrictions shall accordingly be binding upon the Company :

For the protection of the London Chatham and Dover Railway Company.

(1.) The Company shall not for the purpose of making the said intended widening under the London Chatham and Dover Railway acquire any ownership of or in any land or property of

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the Chatham Company but the Company shall acquire only an easement or right for the so making maintaining and using of the intended widening.

- (2.) The Company shall not enter upon or interfere with the London Chatham and Dover Railway or any of the lands or works of the Chatham Company or execute any work whatsoever under or affecting the same until there shall have been delivered to the principal engineer for the time being of that company by the Company plans drawings and specifications of the works intended to be executed under or affecting the London Chatham and Dover Railway and the lands and works thereof such plans drawings and specifications to describe the manner of executing the intended works and the materials to be used for the purpose nor until the plans drawings and specifications have been examined and approved in writing under his hand by the engineer of the Chatham Company or in the event of his failing to approve the same for one calendar month after the plans drawings and specifications have been delivered to him until the same have been examined and approved by an engineer to be agreed upon or in default of agreement to be appointed at the request of either company by the Board of Trade and the said works shall be executed by the Company at their sole expense and shall in like manner be subsequently maintained by the Company in all things according to the approved plans drawings and specifications under the superintendence and to the reasonable satisfaction of the engineer of the Chatham Company.
- (3.) The Company shall bear and on demand pay to the Chatham Company the expense of the employment by them during the making of the said widening under and adjacent to the line of the London Chatham and Dover Railway of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident to arise from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise.
- (4.) If by reason of any works or proceedings of the Company with reference to the said widening there shall be any obstruction of or interference with the London Chatham and Dover Railway so as to prevent or impede the convenient passage of engines and carriages along the same the Company shall pay to

the Chatham Company the sum of twenty pounds by way of ascertained damages for every hour during which that obstruction or interference continues.

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- (5.) The Company shall from time to time be responsible for and make good to the Chatham Company all costs losses damages and expenses from time to time occasioned to that company or to their railway or to any of the works or property thereof or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of any of the works of or incidental to the said intended widening or any act or omission of the Company or any of the persons in their employ or their contractors or others and the Company shall effectually indemnify and hold harmless the Chatham Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission.

25. Except where inconsistent with the enactments for the protection of the Metropolitan Board of Works in this Act contained the following provisions shall notwithstanding anything in this Act or shown on the deposited plans or sections have effect :

For the protection of the Greenwich District Board of Works.

- (1.) It shall not be lawful for the Company to alter the New Cross Road numbered on the deposited plans and in the deposited books of reference 43 in the parish of St. Paul Deptford in the county of Kent so as to make the inclination thereof at any part steeper than 1 in 44.
- (2.) No part of the surface of the New Cross Road shall be broken up or interfered with except under the supervision and to the reasonable satisfaction of the Board of Works for the Greenwich district (in this section called the district board) and subject to such reasonable directions as the district board may give for limiting the extent thereof to be interfered with at any one time and for limiting as far as practicable inconvenience to traffic and for the protection of the public using the said road.
- (3.) If the Company open or interfere with the surface of the said street or any other street or road in the said district they shall with all practicable dispatch reinstate the same with the pavement kerbs gulleys and channels both of the carriageway and footway thereof under the like control and to the like satisfaction and shall keep the same in a proper and efficient state of repair for six months thereafter.
- (4.) Any bridges or works constructed under the powers of this Act over any street or road within the district of the said board other than the works over Walpole or Napier Road shall be so

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- constructed as to leave thereunder a clear space throughout not less than the clear width of the said street or road where crossed including the footway or footways thereof and a clear headway not less than the headway of the existing bridge by which the railway of the Company is carried over the said street or road.
- (5.) All widenings of bridges across any street or road in the said district constructed under the powers of this Act shall be constructed so as to prevent as far as practicable the dripping of water therefrom on any part of the street or road or the footway or footways thereof.
- (6.) The said widenings of bridges and works by this Act authorised shall be so constructed as to afford a free passage for foot passengers along the streets and thoroughfares over which the said works are to be executed and in such manner as to cause as little obstruction as the construction of the works will allow to the transit of the carriages and passengers along the said streets and thoroughfares or any of them.
- (7.) For the purpose of preventing accidents during the progress of the works to be done under this Act the Company shall well and sufficiently guard and protect such works with lights fences and watchmen where necessary and otherwise.
- (8.) The Company shall not commence any of the works by this Act authorised over through affecting or disturbing any of the public streets or places in the said district until they shall have given fourteen clear days notice in writing to the surveyor for the time being of the district board of their intention to commence the same and the said works shall at all times be carried on and conducted so far as they affect any public street or place to the reasonable satisfaction of the said surveyor.
- (9.) The Company shall not break up or disturb any street or place under the control or direction of the district board or the pavement thereof unless at least fourteen days previous notice in writing of their intention so to do specifying the street place or pavement intended to be broken up or disturbed be given to the surveyor of the district board or left for him at his office and when the Company break up or disturb any such street place or pavement they shall as soon as the works affected are completed restore the street place or pavement to as good a condition as it was when so broken up or disturbed and shall keep the same in repair for six months thereafter.
- (10.) The Company shall on demand pay to the district board all the costs charges and expenses which they may reasonably

incur by reason of the Company's works or in examination of plans or designs or superintendence and the same may be recovered in a summary way in any court of competent jurisdiction.

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- (11.) If any dispute or difference of opinion shall arise between the Company and the said district board touching the reasonableness of the requirements of the surveyor acting for the district board such dispute or difference of opinion shall be referred to the arbitration of an engineer to be appointed by the Board of Trade in manner provided by the Railway Companies Arbitration Act 1859.

26. Except where inconsistent with the enactments for the protection of the Metropolitan Board of Works in this Act contained the following provisions for the protection of the Board of Works for the Lewisham District (in this section called the district board) shall have effect with respect to such of the railway widenings and works as are to be constructed and made and such of the powers of the Company as are to be exercised within the said district unless otherwise agreed on in writing between the Company and the district board (that is to say) :

For the protection of the Lewisham District Board of Works.

- (1.) The bridges to be constructed by the Company across or over the following roads or streets shall be of the following widths that is to say Ellerdale Road 36 feet span Brookbank Road 40 feet span and Bertram Street 25 feet span.
- (2.) All bridges passing over any public road or street shall be constructed as flat girder bridges of one span and shall give as great a headway as practicable (having regard to the level of the railway) above the level of the roadway.
- (3.) Such bridges shall be constructed so far as practicable so that water shall not run or come through any of the said bridges upon any street or public way and so far as practicable all such bridges shall be so constructed as to deaden the sound of engines carriages and traffic passing over them. The elevation plans or designs of such bridges shall be submitted to the district board and approved by them before the same are commenced to be constructed.
- (4.) If at any time hereafter the district board shall require the Company by writing under their common seal to alter any bridge which at the passing of this Act carries the railway by this Act authorised to be widened over any road or street in the said district so as to be of the full width of such road or street and shall undertake under their common seal to pay the cost

A.D. 1885. of such railways or railway and have received no compensation or inadequate compensation for the injury or loss and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit. If no such compensation is payable or if a portion of the same sum or sums so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to the Crown and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division of the High Court of Justice on the application of the solicitor to Her Majesty's Treasury thinks fit to order and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said 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.

Power to owners to grant easements to Company.

30. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

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

31. Whereas in the construction of the railways and works by this Act authorised and in making and constructing the Widening No. 2 authorised by the South-eastern Railway (New Lines and Widenings) Act 1882 (herein-after in this section called the Act of 1882) and Railway No. 2 (Rochester and Chatham extension) authorised by the South-eastern Railway Act 1881 (herein-after in this section referred to as the Act of 1881) or otherwise in exercise of the powers of this Act or of the Act of 1882 or of the Act of 1881 it may happen that portions only of the lands houses buildings or manufactories shown on the deposited plans respectively referred to in this Act and in the Acts of 1881 and 1882 will be sufficient for the purposes of the same respectively and that such portions may be

severed from the remainder of the said properties without material detriment thereto: Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 and anything to the contrary contained in the Acts of 1881 and 1882 the owners of and persons interested in the lands houses buildings or manufactories described in the schedule to this Act and in the lands buildings or manufactories herein-after in this section specified and whereof portions only are required for the purposes of the Company may if such portions can in the judgment of the jury arbitrator or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises 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 or that may arise to the remainder of the premises in consequence of portions thereof being taken.

The lands respectively authorised to be acquired by the Acts of 1881 and 1882 of which part only are or may be required and which are herein-before in this section referred to are as follows:—

The lands numbered respectively on the deposited plans referred to in the Act of 1881 3, 4 and 7 in the parish of Frindsbury and the lands numbered 5 in the parish of Strood both in the county of Kent and which are respectively required for the purposes of the said Railway No. 2:

The lands numbered respectively 3 and 5 in the parish of Saint Mary Lambeth in the county of Surrey respectively required for the purposes of the said Widening No. 2:

Provided that this section shall not extend to the leasehold interest of Eastwood and Company Limited in the lands numbered 3 and 5 in the said parish of Saint Mary Lambeth.

32. The time limited by the South-eastern Railway (Various Powers) Act 1882 for the compulsory purchase of the additional lands described in section 12 sub-sections 1, 3, 4, 5, 6, 7, 8, and 9 of that Act is hereby extended until the expiration of a period of two years from the tenth day of August 1885:

Provided that such extension shall not apply to the estate and interest of William George Craven George Bonnor and William Mayd of and in so much of the lands (6) as belong to or are reputed to belong to them.

Extending time for purchase of lands authorised by South-eastern Railway (Various Powers) Act 1882.

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Extending time for purchase of lands authorised by South-eastern Railway (New Lines and Widenings) Act 1882.

Further extending time for purchase of lands authorised by South-eastern Railway Act 1880 (sections 17 and 18).

Extending time limited for purchase of lands for and completion of Caterham and Godstone Valley Railway.

Extending time for purchase of lands and construction of Godstone Village Extension Railway, and for alteration of levels of Caterham and Godstone Railway.

Extending times for purchase of lands for and completion of Loose Valley Railway.

For protection of the Metro-

33. The time limited by the South-eastern Railway (New Lines and Widenings) Act 1882 for the compulsory purchase of lands required for the purposes of that Act is hereby extended until the expiration of a period of one year from the eighteenth day of August 1885.

34. The time limited by the South-eastern Railway Act 1880 for the compulsory purchase of the lands authorised to be acquired by sections 17 and 18 of that Act as extended by the South-eastern Railway (Various Powers) Act 1882 is hereby further extended until the expiration of a period of two years from the twenty-sixth day of August 1885.

35. The time limited by the South-eastern Railway Act 1880 as extended by the South-eastern Railway Act 1881 and subsequent Acts for the compulsory purchase of lands required for the purposes of the railway authorised by the Caterham and Godstone Valley Railway Act 1876 is hereby further extended until the expiration of a period of one year from the tenth day of August 1885 and the time limited by the South-eastern Railway (Various Powers) Act 1882 for the completion of the said railway authorised by the Caterham and Godstone Valley Railway Act 1876 is hereby further extended until the expiration of a period of two years from the twenty-sixth day of August 1886.

36. The time limited by the South-eastern Railway Act 1880 as extended by the South-eastern Railway (Various Powers) Act 1882 for the compulsory purchase of lands required for the purposes of the Godstone Village Extension Railway by that Act authorised is hereby extended until the expiration of a period of two years from the 26th day of August 1885 and the respective times limited by the South-eastern Railway Act 1880 for the completion of the said railway and for the alteration of the levels of the Caterham and Godstone Railway authorised by section 12 of the South-eastern Railway Act 1880 are hereby severally extended until the expiration of a period of three years from the twenty-sixth day of August 1885.

37. The respective times limited by the South-eastern Railway (Various Powers) Act 1882 for the compulsory purchase of lands required for the purposes of the railway authorised by the Loose Valley Railway Act 1877 and for the completion of the railway by that Act authorised are hereby further extended until the expiration of the respective periods of one year and two years from the tenth day of August, 1885.

38. As regards the works to be executed under the powers of this Act within the metropolis as defined by the Metropolis Manage-

ment Act 1855 the following provisions shall have full force and effect in addition to the provisions relating thereto contained in sections 25 and 26 of this Act:—

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Metropolitan
Board of
Works.

- (1.) The portion of Porson Street diverted under the powers of this Act shall if and where practicable and the Company possess or have power to acquire sufficient land for that purpose be made by the Company of a clear width throughout of not less than thirty-six feet.
- (2.) Plans and sections of the diversion of the River Ravensbourne and the new cut or channel thereof to be made under this Act shall before the works are commenced be submitted to and reasonably approved by the Metropolitan Board of Works (in this section called the Metropolitan Board) and the said works shall be executed in accordance with such plans and sections unless the Metropolitan Board signify their disapproval thereof within twenty-one days after delivery of the said plans and sections in which case the said works shall be executed according to plans and sections to be settled by arbitration in manner herein-after provided.
- (3.) Where under this Act provision is made as to span or headway of any bridge or works over any public streets in the metropolis such span or headway shall not be in any way diminished except with the consent in writing of the Metropolitan Board.
- (4.) As regards the road between Court Hill Road and Morley Road numbered 23 on the deposited plans in the parish of Lewisham and Florence Road numbered 85 on the deposited plans in the parish of St. Paul Deptford the Metropolitan Board at any time within three months after the plans of any works affecting the same shall have been submitted to them for approval may by notice in writing require the Company to widen the bridges carrying the said roads over the existing railway including the part thereof which will be over any works made under the powers of this Act to such extent as the Board may think fit not exceeding forty feet clear and the reasonable cost of widening the said bridges over the existing railway of the Company shall in that event be defrayed by the said Board and the cost of making or altering as the case may be that part of the bridge and road which will be over the works authorised by this Act shall be borne by the Company: Provided that if the Metropolitan Board shall at any time within ten years after the passing of this Act decide to widen the bridge carrying Tanner's Hill Road numbered on the deposited plans 50 in the

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parish of St. Paul Deptford over the railway the Company shall widen such bridge accordingly to any extent not exceeding forty feet and the Metropolitan Board shall on request pay to the Company the reasonable cost thereof.

- (5.) Unless otherwise agreed between the Company and the Metropolitan Board the bridge carrying the Widening No. 4 by this Act authorised over Walpole or Napier Road numbered on the deposited plans 67 in the parish of St. Paul Deptford shall be constructed of a clear width of twenty-five feet and the abutments of the bridge shall be carried to a sufficient depth to admit of the surface of the roadway under the said bridge being at any future time lowered to the extent of two feet: And if at any time hereafter the Metropolitan Board shall require the Company by writing under their common seal to alter the bridge which at the passing of this Act carries their railway over Walpole or Napier Road so as to be of the same width as the portion thereof made as aforesaid and in line therewith and to lower the surface of the roadway so as to leave a clear headway of not less than ten feet and six inches throughout under the railway and shall undertake under their common seal to pay the cost of such alteration the Company shall make such alteration and the Metropolitan Board shall within fourteen days after demand pay the Company the reasonable cost thereof including any compensation which may be consequent on such lowering.
- (6.) If the Metropolitan Board shall require the Company to widen the bridges carrying the roads numbered respectively on the deposited plans 23 in the parish of Lewisham and 50 and 85 in the parish of St. Paul Deptford over their railway and to alter the bridge carrying their railway over the road numbered 67 in the parish of St. Paul Deptford or any or either of them the Metropolitan Board shall on requiring the Company to execute any of such works undertake under their common seal to pay the reasonable cost payable by them under this section with reference to such bridges or bridge respectively and thereupon the Company shall execute the same and the Metropolitan Board shall within fourteen days after demand pay the Company the reasonable cost thereof.
- (7.) The Company shall not execute or commence the erection of any bridge or works affecting any street or road within the metropolis until they shall have given to the Metropolitan Board twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the

said board with plans elevations sections and other necessary particulars of the construction of the said bridge and works and until that board shall have signified their approval of the same unless that board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the said board in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the said board against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the said board and the costs charges and expenses which the said board may be put to by reason of the works of the Company whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the said board by the Company on demand Any difference which may arise between the Company and the Metropolitan Board as to the reasonableness of any such direction or regulation or any requirement of the said engineer or other officer or other matter under this section shall be determined by an arbitrator to be appointed by the Board of Trade at the request of either party.

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39. The Company shall not exhibit or permit to be exhibited upon any part of the works authorised by this Act within view of any public street within the metropolis any placards or advertisements except such as shall have been approved in writing by the clerk to the district board or vestry of the district or parish in which such placard or advertisement is affixed or exhibited and by the clerk or other officer of the Metropolitan Board but this provision shall not prevent the Company from exhibiting on the exterior of any station placards giving information to the public as to the traffic of the Company and if any placard or advertisement shall be affixed or exhibited in contravention of this provision such district board or vestry or the Metropolitan Board may remove it by their respective servants or workmen.

Exhibiting placards.

40. Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any drain sewer watercourse defence or work under the jurisdiction or control of the Metropolitan Board or of any vestry or district board of works constituted under the Metropolis

For protection of sewers in the metropolis.

[Ch. cxxxvii.] *South-eastern Railway (Various Powers) Act, 1885.* [48 & 49 VICT.]

A.D. 1885. Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any sewers or works to be made or executed by the said board or vestries or any of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Company shall not commence such works until they shall have given to the said Metropolitan Board or to the district board or vestry as the case may be twenty-one days notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such board or vestry respectively shall have signified their approval of the same unless such board or vestry as the case may be do not signify their disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said Metropolitan Board and of the respective district board or vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards or vestries respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said boards and vestries respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the said Metropolitan Board district board or vestry as the case may be at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said Metropolitan Board or any district board or vestry may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such board or vestry by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Metropolitan Board district board or vestry as the case may be respectively as any sewers or works now are or hereafter may be And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said respective boards or vestries or any or either of

them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

A.D. 1885.

41. The London Brighton and South Coast Railway Company (herein-after called the Brighton Company) shall as and when required by the Company carry out the alterations and additions to the Caterham Junction Station shown on the plan signed in duplicate by Admiral the Honourable F. Egerton the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and one copy whereof shall be deposited in the Private Bill Office of the House of Commons and another with the clerk of the peace for the county of Surrey subject to such modifications of detail as may be agreed between the Brighton Company and the Company and the Company may use the said station as so altered for the purposes of their traffic Provided that any difference which may from time to time arise between the Brighton Company and the Company with reference to any such details of re-arrangement or reconstruction or as to the terms and conditions upon which such new works and additions to the said station shall be used by the Company shall be from time to time failing agreement determined by an arbitrator to be nominated on the request of either company by the President for the time being of the Institute of Civil Engineers.

Provision as to alteration of Caterham Junction Station.

42. The Company may enter into and carry into effect and alter and rescind contracts and agreements with the owners lessees and occupiers of lands required for widening the railway authorised by the Caterham Railway Act 1854 for the acquisition of the lands required for that purpose and with reference thereto and they may widen the said railway accordingly and the same shall as and when so widened be deemed to be part of the railway authorised by the said Caterham Railway Act 1854.

Agreements as to widening Caterham Railway.

43. The Company may from time to time make and carry into effect and alter or rescind agreements with the mayor aldermen and burgesses of the borough of Folkestone (herein-after called "the corporation") or any other body acting as the urban sanitary authority within the said borough with reference to the extension of the existing main outfall sewer by this Act authorised and with reference to the cost and maintenance thereof.

Agreements with corporation of Folkestone as to main outfall sewer.

44. The corporation of Folkestone or other the urban sanitary authority acting within the said borough as aforesaid are hereby empowered to contribute towards the cost of the extension of the existing main outfall sewer by this Act authorised such sum or sums of money as may be agreed on between the Company and the

Corporation or urban sanitary authority may contribute towards costs

[Ch. cxxxvii.] *South-eastern Railway (Various Powers) Act, 1885.* [48 & 49 VICT.]

A.D. 1885.
of extension
of sewer.

said corporation or urban sanitary authority not exceeding seven thousand pounds and for that purpose the said corporation or urban sanitary authority may provide such sum or sums of money as may be agreed on between the Company on the one hand and the corporation or urban sanitary authority as aforesaid on the other hand out of any funds under their control and applicable to such purpose or by borrowing or by the levying of rates as they may deem expedient.

Power to
corporation
of Folke-
stone to
borrow.

45. The corporation as the urban sanitary authority of the borough of Folkestone (herein-after called the sanitary authority) may from time to time borrow at interest (not exceeding the rate of five pounds per centum per annum) such moneys as they may think requisite not exceeding in the aggregate the sum of seven thousand pounds for the purpose of their contribution towards the cost of the extension of the main outfall sewer as aforesaid.

Power to
mortgage.

46. For securing the repayment of moneys borrowed under the authority of this Act the sanitary authority may mortgage the special and general sewers rates.

Every mortgage made by the sanitary authority under the authority of this Act shall be by deed under their common seal duly stamped and truly stating the consideration.

The provisions of the Public Health Act 1875 with respect to mortgages to be executed by the sanitary authority except where the same are herein-after expressly altered or varied shall apply with respect to mortgages by the sanitary authority under this Act: Provided always that the respective mortgagees shall be entitled one with another to their respective proportions of the fund rate or rates or other property comprised in their mortgages respectively according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively and to be repaid the sums so advanced with interest without any preference one above another by reason of the priority of advancing such money or the dates of any such mortgages respectively.

Protection of
lenders from
inquiry.

47. A person lending money to the sanitary authority for the purpose of the extension of the main outfall sewer aforesaid shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

As to repay-
ment of
borrowed
moneys.

48. All moneys borrowed or re-borrowed by the sanitary authority as aforesaid under the authority of this Act may be borrowed and re-borrowed for any term not exceeding fifty years

and subject as aforesaid shall be repaid by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund: Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum. A.D. 1885.

49. The sanitary authority in lieu of or in addition to borrowing on the security of mortgages as herein-before provided the moneys which they are by this Act authorised to borrow or any part thereof may if they think fit borrow those moneys or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 (as amended or supplemented by this Act) by means of a loan or loans to be raised by the issue of debenture stock. Sanitary Authority may borrow under the Local Loans Act 1875.

(1.) Any moneys borrowed in the manner by this section authorised shall be a charge on the special and general sewers rates and such rates shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

(2.) Every such loan shall be discharged within fifty years from the date of the same and such discharge or any part thereof may be effected by means of a sinking fund if the sanitary authority so think fit.

(3.) For the purpose of ascertaining the period within which and the manner in which any sum re-borrowed is to be repaid and for the purpose of sections fourteen and fifteen of the Local Loans Act 1875 the original loan and the sums re-borrowed shall be deemed to form the same loans.

50. The sanitary authority in case they borrow any moneys on mortgage not repayable by yearly or half-yearly instalments shall within twelve months after borrowing the same and thenceforth annually on the same or some earlier day set apart as a sinking fund for the payment of such moneys borrowed on mortgage under this Act out of the special and general sewers rates such equal annual sum as will with such accumulations as herein-after mentioned be sufficient to pay within such a period as they may think fit (not exceeding the term for which the same were first borrowed) the amount of the principal moneys so borrowed. All sums so set apart and the income thereof shall from time to time be invested in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or any mortgage bond debenture debenture stock corporation stock annuity rentcharge rent or other security authorised by or Sinking fund for payment of money borrowed on mortgage.

A.D. 1885.

under any Act of Parliament passed or to be passed of any municipal corporations in Great Britain or of any other local authority within sec. 34 of the Local Loans Act 1875 (excluding any mortgage bonds debenture stock or other securities issued by the sanitary authority). The sanitary authority may at any time apply the whole or any part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper: Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied: Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding the sanitary authority may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Annual
return to
Local
Government
Board with
respect to
sinking fund
in respect of
moneys
borrowed on
mortgage.

51. The town clerk of the borough of Folkestone or the clerk to the sanitary authority as the case may be shall within twenty-one days after the 25th day of March of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed on mortgage under this Act transmit to the Local Government Board a return in such form as may be prescribed by that board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of such securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the sanitary authority have failed to pay any instalment or to set aside

the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice and the provisions of this section shall mutatis mutandis apply to appropriation and annual repayments in the event of the sanitary authority borrowing under the provisions of the Local Loans Act 1875.

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52. The mortgagees of the sanitary authority under this Act may enforce payment of arrears of interest or principal or principal and interest 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 one thousand pounds.

Power to mortgagees to appoint a receiver.

53. If the sanitary authority pay off any part of any money borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of surplus lands or property acquired by them under the powers of this Act they may re-borrow the same and so from time to time and all moneys re-borrowed shall be deemed to be part of the original loan and be paid off within the period prescribed in the case of the original loan.

Power to sanitary authority to re-borrow.

54. The Company may from time to time make and carry into effect and vary and rescind contracts and agreements with any authority corporation association person or body of persons in England or elsewhere with respect to all or any of the purposes following :

Power to make agreements as to constructing &c. works at Port Victoria.

(a.) The improving and maintaining the authorised pier jetty landing-place and other works of the Company at Port Victoria in the county of Kent for the purpose of affording facilities and conveniences for the accommodation of shipping or for the receipt and delivery of traffic coming from or destined for the vessels and undertaking of the Company.

(b.) The management and regulation interchange collection transmission and delivery of traffic within the limits of the Company's jurisdiction upon or coming from or destined for the said pier jetty and landing-place.

(c.) The fixing collection and apportionment of the toll rates and income leviable by the Company in respect of such pier

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jetty and landing-place or other works and of the traffic thereof.

Restriction
on displacing
persons of
labouring
class.

55. The Company shall not under the powers of this Act purchase or acquire in any metropolitan parish twenty or more houses or beyond the metropolis in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a.) They shall have obtained the approval in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Secretary of State or the Local Government Board as the case may be shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case: and

(b.) They shall have given security to the satisfaction of the said Secretary of State or Local Government Board as the case may be for the carrying out of the scheme.

(2.) The approval of the said Secretary of State or the Local Government Board as the case may be to any scheme under this section may be given either absolutely or conditionally and after the said Secretary of State or the Local Government Board as the case may be have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Secretary of State or the Local Government Board as the case may be may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4.) Any conditions subject to which the said Secretary of State or the Local Government Board as the case may be may have

approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State or the Local Government Board as the case may be out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State or the Local Government Board as the case may be by action in the High Court of Justice and shall be carried to and form part of the consolidated fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require. And for the purpose of any purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands beyond the metropolis by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

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Provided also that the said Secretary of State or the Local Government Board as the case may be may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as they may see fit.

(8.) All buildings within the Metropolis erected or provided by the Company for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Act amending those Acts respectively.

(9.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(10.) The said Secretary of State or the Local Government Board as the case may be may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section ; and the inspectors of the said Secretary of State or the Local Government Board as the case may be shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(11.) The Company shall pay to the Local Government Board a sum to be fixed by that board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that board in relation to any enquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector and the provisions of this sub-section shall mutatis mutandis apply to the repayment of expenses incurred by or on behalf of the Secretary of State.

(12.) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them :

Provided that the provisions of this section shall not extend to any lands or houses taken by the Company under the powers or for the purposes of the South-eastern Railway (New Lines and Widening) Act 1882 as amended by this Act.

A.D. 1885.

56. The Company may enter into and carry into effect and alter and rescind contracts and agreements with any company now formed or which may hereafter be formed for the purpose of establishing a winter garden at Tunbridge Wells in the county of Kent for or with reference to the appropriation of lands of the Company for the purposes of such winter garden.

Power to enter into agreements as to establishment of winter garden at Tunbridge Wells.

57. The Company on the one hand and any vestry or district board of works or other local authority or any company which may be constituted or incorporated for the erection of dwellings for the labouring classes on the other hand may from time to time make and carry into effect alter or rescind agreements for and with respect to the sale demise or exchange of lands for the erection of dwellings for the labouring classes and as to the erection thereof and the Company may from time to time contribute towards the cost thereof or lend at such rate of interest as may be agreed upon such sum or sums of money as they may think fit not exceeding in the whole twenty thousand pounds.

Power to make agreements with Vestries &c.

58. Sections 25 and 26 of the Harbours Docks and Piers Clauses Act 1847 and (unless the Board of Trade shall otherwise require) the provisions of that Act with respect to lifeboats and the keeping of a tide and weather gauge shall not extend or apply to the Company nor to the harbour at Folkestone as extended by this Act.

Certain provisions of the Harbours Docks and Piers Clauses Act 1847 not to apply to harbour works.

59. Section 27 of the South-eastern Railway (Various Powers) Act 1884 is hereby amended by substituting in lieu of the words "one year from the date of the passing of this Act" therein contained the words "two years from the date of the passing of this Act."

Amending section 27 of South-eastern Railway (Various Powers) Act 1884.

60. Section 46 of the South-eastern Railway (Various Powers) Act 1884 is hereby amended by substituting in lieu of the words "thirty-first July 1885" therein contained the words "thirty-first July 1886."

Amending section 46 of South-eastern Railway (Various Powers) Act 1884.

61. Section 26 of the South-eastern Railway (Various Powers) Act 1884 shall be read and have effect as if the words "a period of six months from the passing of the South-eastern Railway (Various Powers) Act 1885" were inserted therein in lieu of the words "a period of two years from the 10th day of August 1884."

Amending section 26 of the South-eastern Railway (Various Powers) Act 1884.

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Amending section 39 of 9 & 10 Vict. cap. cccv.

62. Section 39 of the Act 9th and 10th Vict. cap. cccv. intituled "An Act to enable the South-eastern Railway Company to make a railway from the London and Greenwich Railway to Woolwich and Gravesend" is hereby amended by substituting in lieu of the words "not exceeding six" therein contained the words "not exceeding eight."

Power to Company to guarantee dividends &c. on Bexley and Lydd undertakings.

63. The Company may with the approval of proprietors present at a general meeting of the Company specially convened for the purpose holding and representing at least three fourths in value of the paid-up share capital of the Company represented at such meeting from time to time guarantee the payment of interest or dividends or other annual payments on any share stock or loan of the Bexley Heath Railway Company and the Lydd Railway Company or either of them.

Power to raise additional capital.

64. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 and of this Act from time to time raise any additional capital not exceeding in the whole five hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share has been paid in respect thereof.

Limit of amount and number of calls.

65. The amount of any one call to be made on any share created under this Act shall not exceed one fourth of the amount of such 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.

66. 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.

67. The Company may in respect of the additional capital of five hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one hundred and sixty-six thousand pounds but no part thereof shall be borrowed until the

shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

A.D. 1885.

68. All money raised under this Act whether by shares stock mortgages or debenture stock shall be applied for purposes authorised by this Act or some other Act relating to the Company to which capital is properly applicable including the subscription by the Company to the undertaking of the Lydd Railway Company of a sum not exceeding fifty thousand pounds authorised by the Lydd Railway Act of the present session: Provided that the amount to be borrowed by the Company on mortgage under the powers of this Act shall be diminished by one third of the amount (if any) so subscribed by them to the undertaking of the Lydd Company.

Application of loan or share capital under Act.

69. All mortgages or bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Existing mortgages to have priority.

70. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses

Debenture stock.

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A.D. 1885. — Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Power to apply corporate funds to purposes of Act.

71. The Company may apply to the purposes of this Act to which capital is properly applicable any money which they have raised or which they may have power to raise by virtue of any Acts relating to the Company and which may not be required for the purpose to which it is by any such Act made specially applicable.

Interest not to be paid on calls paid up.

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

Saving rights of Crown under Crown Lands Act 1866.

73. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving rights of the Crown in the foreshore.

74. 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.

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

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

to construct any other railway or to execute any other work or undertaking. A.D. 1885.

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

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

A.D. 1885.

The SCHEDULE referred to in the foregoing Act.

Describing LANDS BUILDINGS and MANUFACTORIES whereof portions only are required to be taken by the Company for the railways and works by this Act authorised:—

Parish.	Numbers on Deposited Plans.
RAILWAY No. 1.	
Cheriton, county of Kent	- - 4, 5, 6, 7, 8.
WIDENING No. 1.	
Lewisham, county of Kent	- - 25 to 41 both inclusive, 60 and 61.
WIDENING No. 2.	
Lewisham, county of Kent	- - 49.
St. Paul, Deptford, county of Kent	- 6 to 26 both inclusive.
WIDENING No. 4.	
St. Paul, Deptford, county of Kent	28 to 34 both inclusive.
St. Paul, Deptford, county of Surrey	253, 255.