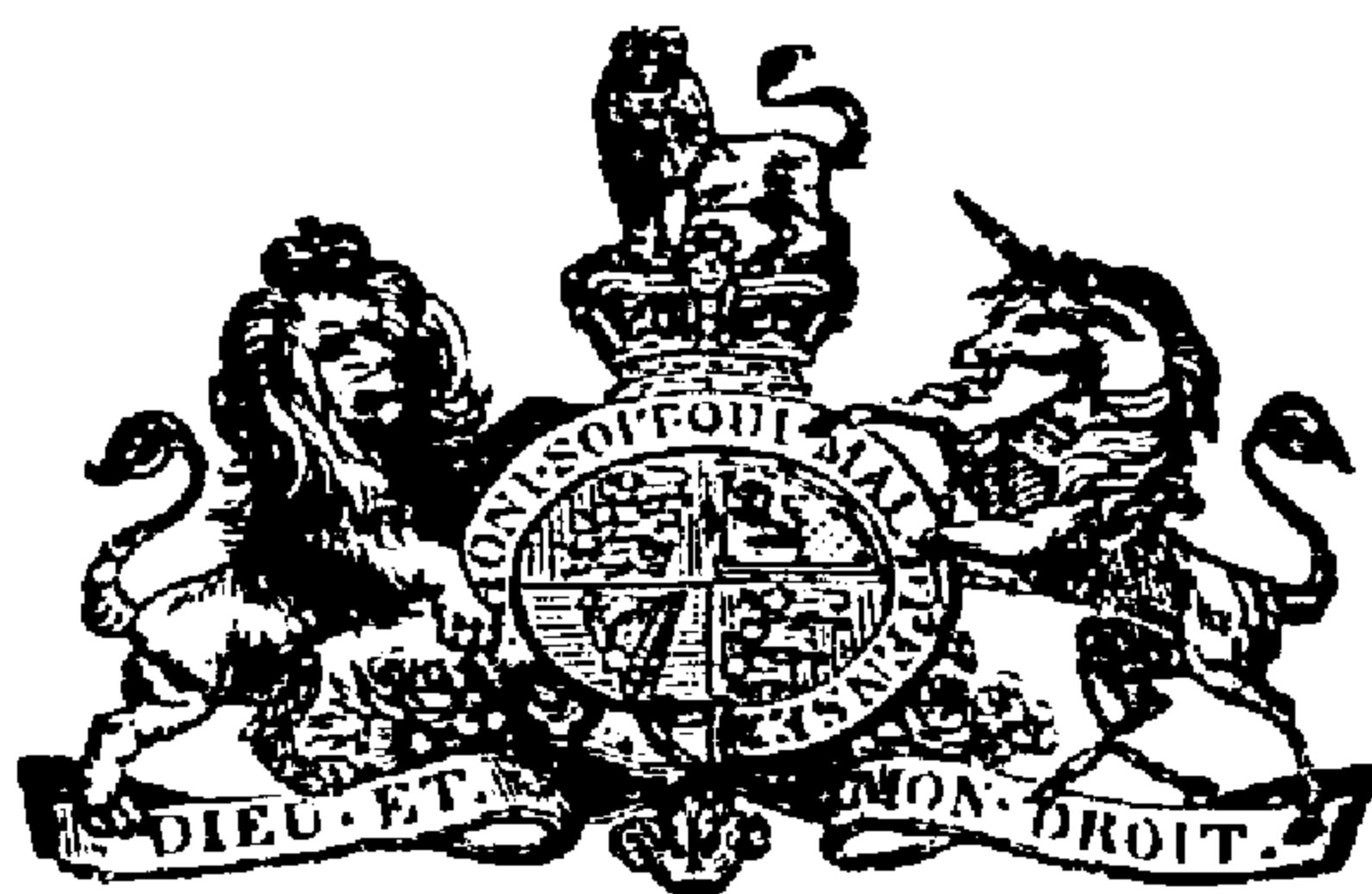




CHAPTER cxxxv.

An Act to authorise the Construction of Railways from Headcorn to Tenterden and Appledore and for other purposes. A.D. 1895.
[6th July 1895.]

WHEREAS the construction of the railways herein-after described would be of public and local advantage :

And whereas the persons herein-after named with others are willing to carry the undertaking into execution and it is expedient that they be incorporated into a company (in this Act referred to as "the Company") and that the requisite powers be conferred upon them :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are herein-after respectively referred to as the deposited plans sections and book of reference :

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

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

1. This Act may be cited as the Tenterden Railway Act 1895.

Short title.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (construction of a railway) and Part III. (relating to working agree-

Incorporation of Acts.

A.D. 1895. ———
ments) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-
tion.

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

Company
incorporated.

4. James Dampier Palmer Albert Dixon Henry Samuel Norton Obadiah Edwards Edward Alfred Wigan Jason Delves Norton Daniel Norton and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the railways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Tenterden Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to
make rail-
ways and
works.

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 herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

The railways and works herein-before referred to (distinguished on the deposited plans and sections and in this Act as Railways Nos. 5 6 and 7) and authorised by this Act will be wholly situate in the county of Kent and are—

A railway (No. 5) 6 furlongs and 1·80 chains in length situate wholly in the parish of Headcorn and commencing by a junction with the main line of the South Eastern Railway from London to Dover at a point 130 yards or thereabouts

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measuring in a westerly direction from the west end of the station buildings on the down road and terminating at a point in the field numbered 90 on the $\frac{1}{2500}$ Ordnance Map at a point in the northern boundary of the lane leading from the main road from Maidstone to Tenterden to Bletchenden 160 yards or thereabouts from the guide post in the main road measuring in a westerly direction along the said lane :

A railway (No. 6) 6 miles 1 furlong and 9·10 chains in length commencing in the parish of Headcorn at a point in the field numbered 92 on the $\frac{1}{2500}$ Ordnance Map at a point in the northern boundary of the lane leading from the main road from Maidstone to Tenterden to Bletchenden 160 yards or thereabouts from the guide post in the main road measuring in a westerly direction along the said lane and terminating in the parish of Tenterden in the north-western boundary fence of the main road from Maidstone to Tenterden at a point 100 yards or thereabouts measuring in a northerly direction along that road from the northern boundary fence of Isla Cottage :

A railway (No. 7) 6 miles 3 furlongs and 4·70 chains in length commencing in the parish of Tenterden in the north-western boundary fence of the main road from Maidstone to Tenterden at a point 100 yards or thereabouts measuring in a northerly direction along that road from the northern boundary fence of Isla Cottage and terminating by a junction with the Ashford and Hastings Branch of the South Eastern Railway at a point 110 yards or thereabouts from the south-east corner of the goods shed adjoining Appledore Station measuring in a south-westerly direction.

6. For the protection of the South Eastern Railway Company (herein-after called "the South Eastern Company") the following provisions shall notwithstanding anything in this Act contained or shown on the deposited plans have effect (that is to say) :—

For the protection of the South Eastern Railway Company.

(1) The junctions with the South Eastern Railway by this Act authorised shall be made at such points within the limits of deviation or on the lands of the South Eastern Company as the principal engineer for the time being of the South Eastern Company shall designate and all works necessary to be executed upon the lands of the South Eastern Company for the purposes of effecting such junctions shall be executed by the South Eastern Company at the request and expense of the Company :

(2) In constructing the Railways Nos. 5 and 7 by this Act authorised the Company shall at their own expense construct and maintain stations at Headcorn and Appledore respectively

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(herein-after referred to as "the said stations") so as to form a connexion with the railways and stations of the South Eastern Company at those respective places and to afford an interchange of passenger traffic between the railways of the South Eastern Company and the railways of the Company :

- (3) The Company shall if required by the Board of Trade construct subways or bridges stairs and approaches in connexion with the said stations for affording access to the stations of the South Eastern Company and the South Eastern Company shall afford all reasonable and necessary facilities for the formation of such subways or bridges stairs and approaches and for the interchange of traffic between the two railways and the Board of Trade shall determine what proportion if any the South Eastern Company shall contribute towards the cost of the construction of such subways or bridges stairs and approaches :
- (4) Plans sections drawings and specifications of the said junctions subways or bridges and the works connected therewith shall be submitted by the Company to the principal engineer for the time being of the South Eastern Company for his approval and the construction of the said junctions subways or bridges and works connected therewith shall be carried out under his superintendence and in all respects to his satisfaction :
- (5) In the event of any alterations being necessary in the said stations of the South Eastern Company by reason of or consequent on the construction by the Company of the said junctions stations subways or bridges and works such alterations shall be made by the South Eastern Company at the expense in all things of the Company and all works of the Company affecting the said stations of the South Eastern Company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the South Eastern Company :
- (6) The South Eastern Company may from time to time erect maintain and alter such signals and other works and conveniences as may reasonably be found requisite in consequence of the construction of the said junctions and may appoint and remove such watchmen pointsmen switchmen or other persons as may reasonably be necessary for the prevention of danger or detention to or interference with traffic at or near the said junctions between the railways hereby authorised and the railway of the South Eastern Company and the working of such signals works and conveniences and the control and

A.D. 1895.

direction of such watchmen pointsmen switchmen and other persons shall belong exclusively to the South Eastern Company and all the costs and expenses of erecting maintaining and working such signals works and conveniences and the wages of such watchmen pointsmen switchmen and other persons and all other expenses in connexion therewith shall at the end of every half-year be repaid by the Company to the South Eastern Company on demand and in default of such repayment the amount of such costs expenses and wages may be recovered from the Company by the South Eastern Company in any court of competent jurisdiction :

- (7) The Company shall not without in every case obtaining the previous consent of the South Eastern Company under their common seal purchase or take any of the lands or property belonging to the South Eastern Company and forming part of their railway and works within the South Eastern Company's fences as shown on the deposited plans but they may purchase and take and the South Eastern Company may and shall sell and grant accordingly an easement or right of using such part or parts only of such lands and property as shall be necessary for the purposes of the said junctions stations subways or bridges but no further or otherwise :
- (8) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the South Eastern Company all costs losses damages and expenses which may be occasioned to the South Eastern Company by reason of any failure of the works of the said junctions stations subways or bridges (whether during construction or after completion thereof) or of any act or omission of the Company or of any persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the South Eastern Company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission :
- (9) If any question or difference shall at any time arise between the Company and the South Eastern Company touching any plans sections elevations or specifications prepared by the Company for the construction of the said junctions subways or bridges or with respect thereto or as to the reasonableness of any requirements of the South Eastern Company's engineer or as to any amounts payable to the South Eastern Company or in respect of any of the matters and things provided for or referred to in the foregoing sub-sections the same shall be settled by an arbitrator to be appointed on the application

A.D. 1895. of either party by the president for the time being of the Institution of Civil Engineers and the decision of such arbitrator shall be final and conclusive.

Capital. 7. The capital of the Company shall be one hundred and thirty-five thousand pounds in thirteen thousand five hundred shares of ten pounds each.

Shares not to be issued until one fifth paid up. 8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid up in respect thereof.

Calls. 9. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris. 10. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be sufficient discharge to the Company.

Power to divide shares. 11. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares. 12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would

have from time to time been payable on the entire share if the same had not been divided. A.D. 1895A

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

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

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

Half shares to be registered and certificates issued.

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

Terms of issue to be stated in certificates.

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

Forfeiture of preferred shares.

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

Preferred shares not to be cancelled or surrendered.

18. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and

Half shares to be half shares in capital.

A.D. 1895. (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Power to borrow.

19. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole forty-five thousand pounds but no part thereof shall be borrowed until the whole share capital of one hundred and thirty-five thousand pounds is issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth 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 that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations or 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.

For appointment of a receiver.

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

Debenture stock.

21. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

22. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

23. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. A.D. 1895.
First ordinary meeting.

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

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

26. The quorum of a meeting of directors shall be three. Quorum.

27. James Dampier Palmer Albert Dixon Henry Samuel Norton Obadiah Edwards Edward Alfred Wigan Jason Delves Norton and Daniel Norton shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act: First directors.

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

28. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed twenty acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken. Lands for extraordinary purposes.

29. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

30. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference Power to cross certain road on the level.

[Ch. cxxxv.] *Tenterden Railway Act, 1895.* [58 & 59 VICT.]

A.D. 1895. to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the road next hereinafter mentioned (that is to say) :—

No. on deposited Plans.	Parish.	Description of Road.
Railway No. 7. 7	Appledore - - -	Public Road.

Inclination of roads.

31. 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) :—

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
Railway No. 6. 6	Tenterden - - -	Public highway	1 in 20
Railway No. 7: 82	Tenterden - - -	Public road -	1 in 30
7	Appledore - - -	Public road -	1 in 50
18	Appledore - - -	Public road -	1 in 26
37	Appledore - - -	Public road -	1 in 30

Height and span of bridges.

32. 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) :—

No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
Railway No. 6. 2A	Headcorn -	Road - - -	17 ft.	25 ft.
7	" -	Road - - -	16 ft.	25 ft.
25	Frittenden -	Public road -	16 ft.	25 ft.
36	" -	Public road -	16 ft.	25 ft.
6	Tenterden -	Public highway -	16 ft.	25 ft.
Railway No. 7. 82	Tenterden -	Public road - -	16 ft.	25 ft.

33. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

A.D. 1895.
Power to take easements &c. by agreement.

34. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands the Company may from time to time sell or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or buildings or any interest in any lands or buildings acquired or provided by them under this Act and not required for the purposes of the undertaking and may make execute and do any deed act or thing proper for effectuating any such sale or other disposition.

Power to dispose of lands not required.

35.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions on displacing persons of labouring class.

(A) They shall have obtained the approval 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 Local Government Board 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 Local Government Board for the carrying out of the scheme; or

(c) The Local Government Board shall have determined that no such scheme is necessary.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally

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and after the Local Government Board 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 Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme 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 Local Government Board out of the High Court.

(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 Local Government Board by action in the High Court 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 such 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 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 or any provisional order issued in pursuance of 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 :

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—

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 date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board 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.) 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.

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

(10.) 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 inquiries 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.

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years from the passing of this Act which have been acquired by or on behalf of the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board

A.D. 1895. — are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" includes mechanics artisans 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 of such persons who may be residing with them.

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

36. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of nineteen thousand five hundred pounds two and three quarters per centum consolidated stock certificates being equal in value to five per centum upon the amount of the estimate in respect of the railways as originally proposed to be authorised has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act And whereas Railways Nos. 1 2 3 4 and 8 as originally proposed are not authorised by this Act and ten thousand eight hundred and ten pounds of the said sum of consolidated stock certificates is attributable to such railways And whereas the sum of eight thousand six hundred and ninety pounds of the said consolidated stock certificates is equal in value to five per centum on the amount of the estimate of the railways by this Act authorised (and is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors.") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened

as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

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37. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Application
of deposit.

38. The High Court may and shall at any time after the passing of this Act order that the sum of ten thousand eight hundred and ten pounds consolidated two and three quarter per centum consolidated stock certificates (part of the said sum of

High Court
may order
repayment
of surplus
deposit.

A.D. 1895. nineteen thousand five hundred pounds consolidated stock certificates) originally deposited in respect of railways numbered 1 2 3 4 and 8 proposed by the Bill for this Act together with any interest or dividend accrued thereon shall be paid or transferred to the depositors or the survivor of them or as they or he may direct.

Period for completion of works. 39. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Tolls. 40. The Company may demand and take for the use of the railway by any other company or person with engines and carriages such reasonable tolls as they think fit.

Rates for merchandise. 41. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the South Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891 shall be applicable and apply to the Company as if it were a railway company named in the order confirmed by the said Act. Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Charges for small parcels. 42. For the conveyance on the railway of small parcels not exceeding five hundred pounds in weight by passenger train other than perishable merchandise exceeding fifty-six pounds in weight the Company may demand and take any charges not exceeding the following (that is to say):—

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

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

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

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

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit:

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee

meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages. A.D. 1895.

43. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including every expense incidental to such conveyance shall not exceed the following (that is to say) :— Maximum rates for passengers.

For every passenger conveyed in a first-class carriage threepence per mile ;

For every passenger conveyed in a second-class carriage twopence per mile ;

For every passenger conveyed in a third-class carriage one penny per mile ;

For every passenger conveyed on the railway for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

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

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

46. The South Eastern Company shall afford all requisite facilities and shall receive book through invoice forward and deliver to and from the same and at their stations warehouses booking offices and premises all traffic of every description coming from or destined for the undertaking of the Company upon such terms and conditions as may be agreed on or as in default of agreement shall be determined by the Railway and Canal Commission who for the purposes of such determination shall have the same powers as if the matter to be determined had been referred to their decision in pursuance of the Railway and Canal Traffic Acts 1873 and 1888. South Eastern Company to afford facilities.

47. The Company on the one hand and the South Eastern Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time Power to enter into agreements with the South Eastern Company.

A.D. 1895. enter into agreements with respect to the following purposes or any of them (that is to say) :—

The use maintenance and management of the railways of the Company or any one or more of them or any part thereof respectively and of the works connected therewith respectively or any of them and the conveyance of traffic thereon :

The regulation collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting companies or any of them :

The fixing subject to the authorised maximum rates and the collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic :

The supply under any agreement for any railway of the Company being worked and used by the South Eastern Company of rolling stock and plant necessary for the purposes of such agreement :

The employment of officers and servants for the conveyance and conduct of traffic and all incidental matters.

Tolls on traffic conveyed on the railway and partly on the South Eastern Railway.

48. During the continuance of any agreement to be entered into under the provisions of this Act for the use or management of the railway of the Company by the South Eastern Company the railways of the contracting companies shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railway of the Company and partly on the railway of the other contracting company rates and charges may be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railway of the Company and partly on the railway of the other contracting company the Company shall be deemed to be a company connected with such contracting company and specified in the appendix to the schedule to the South Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891.

Saving for Postmaster-General.

49. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the

Company is worked by the South Eastern Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

A.D. 1895.

50. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

Power to
pay interest
out of
capital
during con-
struction.

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :

(C) The aggregate amount to be so paid for interest shall not exceed fifteen thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this 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.

A.D. 1895.

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

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

Saving
rights of Her
Majesty's
Principal
Secretary of
State for
the War
Department.

52. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Company.

Provision as
to general
Railway
Acts.

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

Costs of
Act.

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

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