



CHAPTER xvii.

An Act for conferring further powers on the Tenterden Railway Company with reference to the construction of new railways the abandonment of authorised railways and for other purposes. A.D. 1899.
—
[6th June 1899.]

WHEREAS by the Tenterden Railway Act 1895 (herein-after referred to as "the Act of 1895") the Tenterden Railway Company (herein-after referred to as "the Company") were incorporated and were empowered to make and maintain certain railways from Headcorn to Tenterden and Appledore in the county of Kent :

And whereas it is expedient that the Company should be authorised to make and maintain the railways herein-after described and to abandon the railways authorised by the Act of 1895 :

And whereas it is expedient that the Company should be authorised to raise additional capital and to apply their funds for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that the South Eastern Railway Company (in this Act called "the South Eastern Company") should be authorised to subscribe towards or to guarantee the capital of the Company and to take and hold shares debentures or debenture stock in the Company and to raise the necessary capital for those purposes as herein-after provided :

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 by this Act authorised and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of

A.D. 1899. Kent and are in this Act 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 Tenterden Railway Act 1899.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 :

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money ;

The conversion of the borrowed money into capital ;

The consolidation of shares into stock ;

The provision to be made for affording access to the special Act by all parties interested :

And Parts I. II. and III. of the Companies Clauses Act 1863 (as amended by subsequent Acts) relating respectively to cancellation and surrender of shares to additional capital and to debenture stock.

Interpretation.

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.

Power to make railways.

4. 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 in the county of Kent herein-after described with all proper stations sidings approaches

works and conveniences connected therewith respectively 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 the purposes thereof or in connexion therewith. The railways herein-before referred to and authorised by this Act are—

Railway (No. 1) 8 miles 1 furlong 1·80 chains or thereabouts in length commencing in the parish of Headcorn by a junction with the main line of the South Eastern Railway from London to Dover at a point 7 yards or thereabouts measured in a westerly direction from the west end of the station buildings on the down side of the before-mentioned railway and terminating in the parish of Tenterden at the fence at the north-east corner of a field numbered 106 on the $\frac{1}{2500}$ Ordnance map of that parish published in 1898:

Railway (No. 2) 5 miles 3 furlongs 6·50 chains or thereabouts in length commencing in the parish of Tenterden at the fence at the north-east corner of a field numbered 106 on the $\frac{1}{2500}$ Ordnance map of that parish published in 1898 and terminating in the parish of Kenardington by a junction with the Ashford and Hastings Branch of the South Eastern Railway at a point opposite the southern end of the waiting room on the down platform of the Appledore Station of the South Eastern Railway:

Railway (No. 3) 1 mile 4 furlongs 4·5 chains or thereabouts in length commencing in the parish of Appledore by a junction with the aforesaid Railway No. 2 at a point in the enclosure numbered 46 on the $\frac{1}{2500}$ Ordnance map of the said parish published in 1872 at a point 110 yards or thereabouts measured in a south-easterly direction from the south-east boundary of the main road leading from Appledore to Romney and terminating in the parish of Snargate by a junction with the Lydd Branch of the South Eastern Railway at a point 176 yards or thereabouts measured in a south-easterly direction along the said railway from the centre of the bridge carrying the said last-mentioned railway over the Bentley sewer:

Railway (No. 4) 4 furlongs 2 chains or thereabouts in length commencing in the parish of Appledore by a junction with the aforesaid Railway No. 2 at a point in the enclosure numbered 51 on the $\frac{1}{2500}$ Ordnance map of that parish published in 1872 83 yards or thereabouts measured in an easterly direction from the west boundary of that enclosure and terminating in the parish of Snargate by a junction with the Ashford and Hastings Branch of the South Eastern Railway at a point

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23 yards or thereabouts measured in a south-westerly direction from the post indicating 76 miles from London on the Ashford and Hastings Branch of the South Eastern Railway.

Application of sections 40 to 45 of Act of 1895 to this Act.

5. Sections 40 to 45 both inclusive (as to tolls and rates) of the Act of 1895 shall be deemed to apply to the railways by this Act authorised.

Inclination of road.

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

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
RAILWAY NO. 1.			
6	Tenterden - - -	Public - - -	1 in 16

Height and span of bridges.

7. The Company may make the arches of the bridges for carrying the railways 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. 1.				
20A	Headcorn - - -	Public road - - -	16 feet.	20 feet.
7	Frittenden - - -	Do. - - -	15 feet.	20 feet.
25	Do. - - -	Do. - - -	18 feet.	20 feet.
36	Frittenden - - -	Do. - - -	18 feet.	20 feet.
1				
13	Tenterden - - -	Do. - - -	16 feet.	20 feet.
RAILWAY NO. 2.				
176	Tenterden - - -	Public road - - -	15 feet.	20 feet.
61	Appledore - - -	Do. - - -	16 feet.	20 feet.

Width of roadways over bridges

8. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not

being less than the respective widths herein-after mentioned in A.D. 1899 connexion therewith respectively (that is to say) :—

No. on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
RAILWAY No. 1.			
48	Biddenden - - -	Turnpike road - - -	30 feet.
87	Do. - - -	Public road - - -	20 feet.
115	Do. - - -	Do. - - -	20 feet.
6	Tenterden - - -	Do. - - -	20 feet.
30	Do. - - -	Do. - - -	20 feet.
RAILWAY No. 2.			
7	Appledore - - -	Public road - - -	20 feet.
19	Do. - - -	Do. - - -	20 feet.
43	Do. - - -	Do. - - -	20 feet.

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

Period for completion of railways.

10. 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.

11. 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 persons other than the grantors 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.

Persons under disability may grant easements &c.

12. The Company shall abandon the railways authorised by section 5 of the Act of 1895.

Company to abandon railways authorised by Act of 1895.

13. The abandonment by the Company under the authority of this Act of the railways authorised by the Act of 1895 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of

Compensation for damage to land by entry &c. for

A.D. 1899.
 —
 purposes of
 railways
 abandoned.

the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845.

Compensa-
 tion to be
 made in
 respect of
 railways
 abandoned.

14. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railways authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to
 acquire ease-
 ments for
 constructing
 tunnels.

15. And whereas Railway No. 1 is shown on the deposited plans and sections as intended to be constructed in tunnel through or under the properties referred to in the schedule to this Act at a depth of thirty feet and upwards between the rails and the surface of the ground Therefore the Company may purchase and acquire an easement or right of constructing and using that railway through or under those properties without being obliged to purchase the land over such railway or any houses buildings manufactories or premises thereon respectively unless the jury or the arbitrators or their umpire to whom the question of disputed compensation shall be submitted shall determine that such right or easement cannot be acquired or used by the Company without material detriment to such properties Provided that nothing in this section contained shall apply to any of the said properties the surface of which is at a less height than thirty feet above the level of the rails as the same shall be constructed Provided also that nothing in this section contained nor any dealing with any of the said properties in pursuance thereof shall relieve the Company from liability to compensation under section 68 of the Lands Clauses Consolidation Act 1845 in respect of any properties through or under which the Company may purchase or acquire an easement or right of constructing and using such tunnel.

16.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in 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 the Company—

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Restrictions
on displacing
persons of
labouring
class.

(a) 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) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

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

A.D. 1899. 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 under 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 :

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 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 Local Government Board shall for the purposes of any such inquiry 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 deposited with reference to this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to 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 is 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" means 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.

17. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of thirteen thousand eight hundred and twenty-two pounds and seven shillings equal to five per centum on the amount of the estimate in respect of the railways authorised by this Act has been deposited

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

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with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railways hereby authorised open the same for the public conveyance of passengers and if the Company shall make default in so completing the said railways 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.

Application
of deposit.

18. If the Company do not previously to the expiration of the period limited for the completion of the said railways complete the same and open them 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 said railways 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 be repaid or retransferred to the depositors. Provided that until the deposit fund has been repaid or retransferred 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.

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19. Subject to the provisions of this Act and of section 36 of the Act of 1895 with respect to compensation to landowners or other persons injured and for the protection of creditors the High Court may and shall at any time after the passing of this Act on application by or on behalf of the depositors mentioned or referred to in section 36 of the Act of 1895 or the survivors or survivor of them or the executors or administrators of such survivor or by any other person order the sum of eight thousand six hundred and ninety pounds being the deposit fund mentioned in the said section of the Act of 1895 and the interest or dividends thereon to be paid or transferred to the depositors or their assignees or other person or persons entitled thereto or to any other persons or person whom they or he may appoint on that behalf and upon such order being made the deposit fund and the interest or dividends thereon shall be paid or transferred to such persons or person accordingly.

Release of deposit under Act of 1895.

20. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise for the purposes of this Act or any of them any additional capital not exceeding in the whole one hundred and sixty-five thousand pounds by the issue of new ordinary shares or stock but the Company shall not issue any share of less nominal value than ten pounds nor shall any 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 shall have been paid in respect thereof.

Power to raise additional capital.

21. 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.

Except as otherwise provided new shares or stock to be subject to same incidents as other shares or stock.

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New shares or
stock to form
part of capital
of Company.

Dividends
on new
shares or
stock.

New shares
or stock
raised under
this Act and
any other
Act of past
or present
sessions may
be of same
class.

Power to
borrow.

22. The capital in new shares or stock so created shall form part of the capital of the Company.

23. Every person who becomes entitled to new shares or stock of the Company under this Act shall in respect of the same be a holder of shares or stock in the Company and shall subject to the conditions on which the same may be issued be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or stock.

24. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

25. The Company may in respect of the additional capital of one hundred and sixty-five thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any moneys not exceeding in the whole fifty-five thousand pounds but no part thereof shall be borrowed until 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 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 shares for the whole of such capital have been issued and accepted and that one half of such capital 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 and to the extent aforesaid paid up 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 so far as the said additional capital is raised by shares 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.

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26. The South Eastern Company may with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said company specially convened for the purpose from time to time guarantee the capital debentures or debenture stock of the Company or may at their option subscribe towards such capital debentures or debenture stock such sum or sums as they may think fit or the said company may in lieu of any such guarantee or subscription as aforesaid guarantee the payment of dividends or interest or other annual payments on any shares stock or loan of the Company and the South Eastern Company may with the like authority contribute and apply in or towards payment of any such guarantee or subscription as aforesaid any moneys which they are already authorised to raise and will not be required by them for the purposes of their undertaking and also any moneys which they are by this Act authorised to raise and the said company shall in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them have all the powers rights and privileges (except in regard to voting at general meetings which shall be as herein-after provided) and be subject to all the obligations and liabilities of the proprietors of shares in the Company Provided always that the South Eastern Company shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe.

Power to South Eastern Company to subscribe or to guarantee interest or dividends.

27. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time 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 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

28. All mortgages or bonds granted before the passing of this Act by the Company shall during the continuance of such mortgages or bonds and subject to the provisions of the Acts under which such mortgages or bonds were respectively granted have priority over any mortgages granted after the passing of this Act by the Company but nothing in this section contained shall affect any priority of

Existing & mortgages to have priority.

A.D. 1899. — the interest of any debenture stock at any time created and issued by the Company.

Application of moneys raised by Company.

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

Power to apply corporate funds to purposes of Act.

30. The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or which they have power to raise by shares stock debenture stock or mortgage under the powers of the Act of 1895 and which may not be required for the purposes to which they are by that Act made specially applicable.

Power to South Eastern Company to raise money by creation of shares or stock.

31. The South Eastern Company may for the purpose of their subscription to the undertaking of the Company raise such an amount of capital as may be necessary therefor 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 And the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

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 consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 shall extend and apply to the South Eastern Company and to the additional capital which they are by this Act authorised to raise.

Shares of South Eastern Company not to be

32. The South Eastern Company shall not issue any share under the authority of this Act 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 shall have been paid in respect thereof.

issued until one fifth paid.

33. All moneys which the South Eastern Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

Application of moneys raised by South Eastern Company.

34. The South Eastern Company whilst shareholders of the Company may by writing under their common seal from time to time appoint some person to attend any meeting of the Company and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings and may vote thereat in respect of the capital held by the South Eastern Company.

Votes of South Eastern Company at general meetings of Company.

35. Section 50 of the Act of 1895 (Power to pay interest out of capital during construction) shall apply to the railways by this Act authorised.

Application of s. 50 of Act of 1895 to railways authorised by this Act.

36. Notwithstanding anything contained in the Companies Clause Consolidation Act 1845 it shall not be necessary to appoint more than one auditor to audit the Company's accounts.

As to audit of Company's accounts.

37. 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.

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

38. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Recovery of demands under fifty pounds.

39. Save as is by section 36 of this Act specially provided nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway

Provision as to general Railway Acts.

A.D. 1899. — companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

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

40. 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.

Costs of Act.

41. 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.

The SCHEDULE referred to in the foregoing Act.

PROPERTIES UNDER WHICH EASEMENTS ONLY ARE REQUIRED TO BE TAKEN.

Parish.	No. on deposited Plans.
RAILWAY No. 1.	
Tenterden	55 56 59 60 61 61a 61b 70 71 83 84 85 86 87 88 89 90 91 92 93 94 95 119 129.

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CHAPTER xviii.

An Act to extend the time limited for the compulsory purchase of lands authorised to be acquired by the Surrey Commercial Dock Company and for other purposes. A.D. 1899.
[6th June 1899.]

WHEREAS by the Surrey Commercial Dock Act 1894 (herein-after called "the Act of 1894") the Surrey Commercial Dock Company (herein-after called "the Company") were authorised to construct certain alterations of their docks and works and to purchase lands compulsorily for the purposes thereof and for the improvement of their undertaking:

And whereas the period for the compulsory purchase of such lands was by the Act of 1894 limited to five years from the date of the passing of that Act which received the Royal Assent on the third day of July one thousand eight hundred and ninety-four:

And whereas the Company have purchased the greater portion of the lands authorised to be acquired by the Act of 1894 and have constructed the greater part of the works thereby authorised and the remaining part is in course of construction and it is expedient that the time limited by the Act of 1894 for the compulsory purchase of lands thereby authorised to be acquired should be extended:

And whereas the objects of this Act cannot be attained 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 (that is to say):—

1. This Act may be cited as the Surrey Commercial Dock Act 1899. Short title.

A.D. 1899.

—
Incorporation of Part II. of Railways Clauses Act 1863.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is (except where expressly varied by or inconsistent with the provisions of this Act) incorporated with and forms part of this Act and in construing the provisions of the Railways Clauses Act 1863 for the purposes of this Act the works authorised by the Act of 1894 shall be deemed to be a railway and the Company shall be deemed to be a railway company.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Act partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Extension of time for compulsory purchase of lands under Act of 1894.

4. The powers conferred by the Act of 1894 for the compulsory purchase of the lands referred to in the schedule to this Act are hereby extended and may be exercised by the Company at any time within but shall not be exercised after the expiration of five years from the third day of July one thousand eight hundred and ninety-nine.

The provisions of section 29 of the Act of 1894 shall extend and apply to the exercise by the Company of the powers so extended as if the same had been re-enacted in this Act in reference thereto Provided that the expressions in that section "this Act" and "December last" shall mean respectively the Act of 1894 and December 1893.

Costs of Act.

5. 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.

SCHEDULE.

A.D. 1899.

Numbers of properties in the parish of St. Mary Rotherhithe in the county of London on deposited plans referred to in Act of 1894 the time for the compulsory purchase of which is extended—133 134 135 136 137 138 139
140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155
156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171
172 173.

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