



CHAPTER cliii.

An Act to enable the South-eastern Railway Company to alter a portion of their authorised Greenwich and Woolwich Line ; to construct a short Line in Southwark to connect their Cannon Street and Charing Cross Railway with the London, Chatham, and Dover Railway ; to use part of the London, Chatham, and Dover Railway ; and to confer various other Powers upon the Company with respect to their existing and authorised undertakings.

A.D. 1872.

[25th July 1872.]

WHEREAS it is expedient that the South-eastern Railway Company should be empowered to abandon certain portions of the railway which they are authorised to make in Greenwich under the powers of "The South-eastern Railway Act, 1865," (herein called "the Act of 1865,") "The South-eastern Railway Act, 1866," (herein called "the Act of 1866,") and "The South-eastern Railway Act, 1871," (herein called "the Act of 1871,") and instead thereof to substitute a short line of railway rather more than half a mile long :

28 & 29 Vict.
c. ccxliii.

29 & 30 Vict.
c. ccxxvii.

34 & 35 Vict.
c. iv.

And whereas it is also expedient that the following powers should be conferred upon the Company,—

To construct in Southwark a short line to connect the Charing Cross line of the Company with the London, Chatham, and Dover Railway :

To make a station at Northfleet, and a road as an approach to such station :

To carry the Saint James Road, Bermondsey, over the railway of the Company by a bridge instead of crossing the road on the level :

To divert, in connexion with the new line of railway in Greenwich, the main southern outfall sewer of the Metropolitan Board of Works :

To purchase additional lands adjoining the Bricklayers Arms
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Branch of the South-eastern Railway, and also certain other lands :

To run over and use part of the London, Chatham, and Dover Railway :

To raise additional capital for the general purposes of the undertaking of the Company, and for the redemption of the redeemable five pounds per centum preference stock created under "The South-eastern Railway (Capital Arrangements) Act, 1861 :"

And whereas the guaranteed and preference capital of the Company consists of eight stocks of different denominations, and the keeping of separate books for and in respect of each such stock is attended with great inconvenience and expense, and the credit of the Company would be improved, and the value of the said stocks would be enhanced if power were conferred upon the Company to consolidate such stocks :

And whereas it is expedient that funds should be created to provide superannuation allowances to the officers and servants of the Company, and another fund to guarantee the Company against loss occasioned by the pecuniary misconduct of any of their officers and servants, and that the Company should be authorised to contribute towards the said funds and to take part in the management thereof :

And whereas it is expedient that certain powers should be conferred with respect to the authorised Hythe and Sandgate Extension Railway of the Company :

And whereas it is expedient that some of the powers and provisions of the Acts relating to the Company should be altered and enlarged :

And whereas plans and sections showing the lines and levels of the proposed railways and other works authorised by this Act, and the lands in or through which the same are intended to be made, and plans of the lands which the Company are by this Act empowered to acquire and appropriate, and a book of reference to such plans, containing the names of the owners and lessees, or reputed owners and lessees, and occupiers of the said lands, have been deposited with the respective clerks of the peace for the counties of Kent and Surrey, and those plans, sections, and books of reference are in this Act referred to as "the deposited plans, sections, and books of reference" respectively :

And whereas the objects 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 : A.D. 1872.

1. This Act may be cited as "The South-eastern Railway Act, 1872." Short title.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act ; (namely, Provisions of general Acts herein named incorporated.

"The Railways Clauses Consolidation Act, 1845 :"

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

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 :"

The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters ; (namely,)

The distribution of the capital of the Company into shares :

The transfer or transmission of shares :

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

The forfeiture of shares for nonpayment of calls :

The consolidation of shares into stock :

The remedies of creditors of the Company against the shareholders :

The borrowing of money ;

The conversion of the borrowed money into capital :

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

3. With respect to the interpretation of terms in and for the purposes of this Act, the following provisions shall have effect ; Interpretation of terms.
(namely,)

In this Act and in any Act incorporated therewith the term "the Company," "the undertakers," "promoters of the undertaking," shall mean the South-eastern Railway Company :

In this Act and in any Act incorporated therewith the term "the railways" shall mean the railways by this Act authorised :

In any Act incorporated herewith the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which that term is used was a common simple contract debt, and not a debt or demand created by statute, and the term "superior courts" shall be taken to include all courts of competent jurisdiction within the meaning of this Act :

Subject to the foregoing interpretations, words to which meanings

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Power to make railways according to deposited plans.

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 following railways, with all proper stations, approaches, works, and conveniences connected therewith respectively, and the Company may construct the other works after mentioned, and may enter upon, take, and use such of the lands delineated upon the deposited plans, and described in the deposited books of reference, as may be required for those purposes. The railways herein-before referred to and authorised by this Act are :

1. A railway one thousand and forty yards or thereabouts in length, to be wholly situate within the parish of Greenwich, otherwise Saint Alphage, Greenwich, in the county of Kent, to commence by a junction with the Greenwich line of the Company at a point about thirty-seven links or thereabouts, measured in an easterly direction along the course of the said line from the western face of the eastern abutment of the bridge which carries the said Greenwich line over Deptford Creek, and to terminate by a junction with the railway authorised by the Act of 1871, and now in course of construction, at a point four chains or thereabouts measured in an easterly direction along the course of the said authorised railway from the eastern side of King Street :

2. A railway five hundred and sixty yards or thereabouts in length, commencing in the parish of Christchurch, Southwark, by a junction with the London, Chatham, and Dover Railway at or near the southern abutment of the bridge which carries the said last-mentioned railway over Price's Street, passing thence through or into the said parish and the parish of Saint Saviour's, Southwark, both in the county of Surrey, and terminating in the said last-named parish by a junction with the Charing Cross line of the Company at or near the western side of the bridge whereby the said line is carried over Great Guildford Street :

And the railways shall form part of the undertaking of the Company, and the Company may demand and receive such tolls and charges in respect of each and every description of traffic upon the railways, as they would have been entitled to demand and receive if the same had originally formed part of the main line of the South-eastern Railway.

Provisions as to junction of Railway Number 2

5. Notwithstanding anything in this Act contained, the junction of the Railway Number 2, hereby authorised with the London, Chatham, and Dover Railway shall be effected, and the said railway

shall be constructed in the line and manner delineated and shown upon a plan signed by James Staats Forbes on the part of the London, Chatham, and Dover Railway Company, and by Cornelius Willes Eborall on the part of the South-eastern Railway Company, and dated the twenty-ninth day of April one thousand eight hundred and seventy-two, and also subject to and in accordance with the following provisions, and not otherwise; (that is to say,)

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with London,
Chatham,
and Dover
Railway.

1. The junction shall be effected in all respects in such manner as shall previously have been approved by the engineer for the time being of the London, Chatham, and Dover Railway Company, and the junction and the works connected therewith, including so much of Railway Number 2 as may be situated within or upon the property of that Company, shall be executed by them, and the costs thereof, and all costs of every kind to which the London, Chatham, and Dover Railway Company shall be put by reason of the construction of the said railway and junction, and incidental thereto, shall upon demand be repaid to them by the Company, and in default thereof may be recovered in any court of competent jurisdiction, and if any difference of opinion shall arise between the two companies under this sub-section, the same shall be determined by a referee to be appointed by the Board of Trade on the application of either of the two companies at the cost of the Company:
2. The Company shall not, except by agreement, use, enter upon, or interfere with or acquire any right, title, or interest to or in any lands belonging to the London, Chatham, and Dover Railway Company, except such as may be required for the purpose of constructing Railway Number 2 and effecting the said junction and the works connected therewith, nor shall the Company, with respect to such lands of the London, Chatham, and Dover Railway Company as may be so required take the same, but the Company may purchase and take, and the London, Chatham, and Dover Railway Company may and shall sell and grant, an easement or right of using the same for the purposes of the said railway junction and works:
3. The London, Chatham, and Dover Railway Company may from time to time erect such signals and conveniences incident to the said junction, either on their own lands or on the lands of the Company, and may from time to time appoint and remove such watchmen, switchmen, or other persons as may in their judgment be necessary for the prevention of danger to or interference with the traffic at or near the junction, and the working and management of such signals and con-

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veniences, wherever situate, shall be under the exclusive regulation and control of the London, Chatham, and Dover Railway Company, and all the expenses of erecting and maintaining such signals and conveniences, and of employing such watchmen, switchmen, and other persons, and all incidental current expenses, shall at the end of every half year be repaid by the Company, and in default thereof may be recovered from them in any court of competent jurisdiction.

Additional line to be constructed for use of London, Chatham, and Dover Railway Company.

6. Simultaneously with the construction and completion of the said Railway Number 2, the Company shall, at their own expense and to the reasonable satisfaction of the engineer for the time being of the London, Chatham, and Dover Railway Company, widen the viaduct carrying the existing railway of that Company sufficiently to admit of the laying down thereon, and they shall lay down thereon an additional line of rails with the usual incidental spaces from the south side of Price's Street to the south side of George Street, and they shall construct the viaduct for carrying the said Railway Number 2 of a sufficient width to admit of the said additional line of rails being continued, and they shall continue the said additional line to the south side of Ewer Street, and there connect it with the line marked on the said signed plan as "up line" of the said Railway Number 2; and the said additional line when so completed shall be appropriated to the exclusive use of the London, Chatham, and Dover Railway Company and any company having their authority to use the same for siding and shunting purposes only; and the London, Chatham, and Dover Railway Company shall have the right to use, free of cost, for shunting purposes, the said up line of the Company for a distance of one hundred and fifty yards eastward from its junction with the said additional line, and from the said point of junction to the junction of the said up line with the main line of the London, Chatham, and Dover Railway, subject always to such byelaws and regulations as the Company may from time to time reasonably prescribe, but such byelaws and regulations shall be subject to revision from time to time by an arbitrator to be appointed by the Board of Trade upon the requisition of the London, Chatham, and Dover Railway Company, and the arbitrator shall have power to revise and modify the same so as to prevent any undue obstruction to the fair and reasonable use by that Company of the said up line for shunting purposes as aforesaid.

Company to pay to London, Chatham, and Dover Railway Company ex-

7. The Company shall bear, and on demand pay to the London, Chatham, and Dover Railway Company, the expense of the employment by them, during the making of the said Railway Number 2, over and adjacent to the line of the London, Chatham, and Dover Railway, of a sufficient number of inspectors or watchmen to be

appointed by them for watching their railway with reference to and during the execution of the intended works, and for preventing as far as may be all interference, obstruction, danger, or accident to arise from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise.

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penses of watchmen during construction of works.

8. If by reason of any works or proceedings of the Company with reference to the construction of the Railway Number 2 there shall be any obstruction of or interference with the London, Chatham, and Dover Railway, so as to prevent or impede the convenient passage of engines and carriages along the same, the Company shall pay to the London, Chatham, and Dover Railway Company the sum of twenty pounds by way of ascertained damages for every hour during which such obstruction or interference continues.

Penalty in case of interruption of traffic on the London, Chatham, and Dover Railway.

9. The Company shall from time to time be responsible for and make good to the London, Chatham, and Dover Railway Company all costs, losses, damages, and expenses from time to time occasioned to the London, Chatham, and Dover Railway Company, or any of their works or property, or to the traffic on their railway, or to any company or person using the same or otherwise, by reason of the execution or failure of any of the works of or incidental to the said Railway Number 2, or by reason of any act or omission of the Company, or any of the persons in their employ, or their contractors or others, and the Company shall effectually indemnify and hold harmless the London, Chatham, and Dover Railway Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission as aforesaid.

The Company to pay all damages sustained by London, Chatham, and Dover Railway Company.

10. The other works which the Company are by this Act authorised to construct are,—

Describing other works which the Company are authorised to construct.

1. A station, with all proper approaches thereto and works in connexion therewith, in the parish of Northfleet in the county of Kent, at the point on the North Kent Railway where that railway is crossed by the bridge carrying the road in the said parish called the Old London Road over that railway, and a new road in the said parish commencing from and out of the south side of the road in the said parish called the London Road, at a point nearly opposite to the entrance from the said road to the Rosherville Gardens, and terminating in the Old London Road at or near the south-east end of the bridge whereby that road is carried over the North Kent Railway of the Company :

2. The alteration and raising of the level of Saint James Road, in the parish of Saint Mary Magdalen, Bermondsey, in the

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county of Surrey, and the carrying of the said road by a bridge over the Bricklayers Arms branch of the Company, and consequent alterations in the levels of adjoining roads :

3. The diversion in the parish of Greenwich, otherwise Saint Alphage, Greenwich, of the main southern outfall sewer of the Metropolitan Board of Works, such diversion to commence from out of the said main sewer seven chains or thereabouts to the eastward of North Pole Lane, and to terminate by a junction with the said main sewer in Church Street two chains and a half or thereabouts to the south of Nelson Street, but such diversion shall be made in accordance with the provisions of this Act :

4. All such alterations of or interference with existing sewers and drains as may be necessary for connecting the same with the said diverted sewer.

Power to
discontinue
level cross-
ing.

11. The alteration in the southern inclination of Saint James Road shall commence from the south side of Gloucester Road, and when the bridge for carrying the said Saint James Road over the said Bricklayers Arms branch is made and opened to the public the crossing of the said branch by the said road on the level shall be discontinued, and all rights of way over such level crossing shall cease.

Company to
make certain
footpaths
and to alter
existing
footpaths in
respect of
new bridge.

12. The Company shall construct a footpath seven feet six inches in width, and at least six inches above the level of the roadway, on the south side of the bridge and on each side thereof, and of the approaches thereto, and they shall also make good the footpaths on each side of the road on the northern side of the said bridge, and also of the roads communicating therewith, subject to the alterations which will be necessary in the level of such footpaths, and the Company shall, except where they use the existing pavement, pave such footpaths with Rockhill or other paving and curb to the satisfaction of the vestry of Bermondsey and their surveyor, and shall form the roadway over the said bridge and the approaches thereto with broken granite and with paved granite channels on each side, to the satisfaction of the said vestry of Bermondsey and their surveyor, and shall build on each side of the said bridge a close parapet, the top of which shall be at least five feet above the level of the footpath, and shall also build or erect, upon both sides of all the approaches to the said bridge, a brick wall or other fence, the top of which shall be at least three feet six inches above the level of the footpaths, and the Company shall at all times hereafter repair and maintain in good repair the structure of the said bridge and of the parapets and fences thereof.

13. After the said bridge and approaches have been completed the roadways and footpaths to be made or interfered with by the Company under the powers of this Act shall be maintained by and at the expense of the said vestry.

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Vestry to maintain the roadway and approaches.

14. The Company may and shall abandon the construction in the parish of Greenwich, otherwise Saint Alphage, Greenwich, of Railway (Number 1) authorised by the Act of 1865, and also of so much of Railway (Number 1) authorised by the Act of 1866 as lies between the authorised junction of that railway with the said Railway (Number 1) authorised by the Act of 1865, and the commencement of the railway authorised by the Act of 1871, and also so much of the said last-mentioned railway as lies between the authorised commencement thereof and a point thereon four chains or thereabouts to the eastward of King Street.

Abandonment of certain portions of railways authorised.

15. The abandonment by the Company under the authority of this Act of the said portions of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by entry of 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 the line of the railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have 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 last-mentioned Act, or any Act relating to the Company.

Compensation for damage to land by entry, &c. for purposes of railways abandoned.

16. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any lands for the purposes of or in relation to the said portions of railway, full compensation shall be made by the Company to the owners and occupiers of or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and such compensation and the application thereof shall be assessed and determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of railways abandoned.

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For protection of the Pimlico, Peckham, and Greenwich Street Tramway Company.

17. Whereas the construction of the railway of the Company and the diversion of the main southern outfall sewer of the Metropolitan Board of Works in the parish of Greenwich by this Act authorised will prejudicially interfere with the tramways from London to Greenwich of the Pimlico, Peckham, and Greenwich Street Tramway Company, (herein-after called "the tramway company,") and it is necessary and desirable for the public convenience that the working of the said tramways shall not be stopped or otherwise interfered with: Be it therefore enacted as follows:

1. The Company in the construction of the said railway and works shall cause as little detriment or inconvenience to the tramway company as circumstances admit:
2. Before the Company commence any work whereby the tramways will be interfered with or the traffic thereon interrupted they shall give to the tramway company fourteen days notice of their intention to commence such work, specifying the time at which they mean to do so, such notice to be accompanied by a plan and section of the proposed works, and such works shall not be commenced until such plan and section have been approved of in writing under the hand of the principal engineer for the time being of the tramway company, or in the event of difference by the principal engineer for the time being of the Metropolitan Board of Works:
3. Any alteration or interference with the said tramways shall be executed at such times as may be agreed upon, or, as failing agreement, shall be fixed by the Metropolitan Board of Works, and under the superintendence and to the reasonable satisfaction of the tramway company, unless the tramway company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, and all reasonable expenses of such superintendence shall be paid by the Company.

Saving rights of the tramway company.

18. Nothing in this Act contained shall take away or abridge any of the powers vested in the tramway company with respect to the construction, maintenance, and working of the several tramways and works authorised by "The Pimlico, Peckham, and Greenwich Street Tramways Act, 1869," "The Pimlico, Peckham, and Greenwich Street Tramways (Various Powers) Act, 1870," and "The Pimlico, Peckham, and Greenwich (Extensions, &c.) Act, 1870," respectively, and the Company shall not take up or otherwise interfere with or injuriously affect the said tramways and works, or any part thereof, except so far as may be necessary, in constructing the works by this Act authorised, and if by or by reason

or in execution of any of the works by this Act authorised, or by reason of the mode of construction, or of the insufficiency of or the bad state of repair of any such works, or any act or omission of the Company or of any of their agents or servants, it shall happen that the said tramways and works, or any of them, shall be injured, the Company shall immediately thereupon, at their expense, in all things so far as is practicable, make good all such injury.

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19. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may enter upon, take, and use, and appropriate to the purposes of their undertaking, all or any of the lands and buildings following, delineated on the deposited plans and described in the deposited books of reference relating thereto; (that is to say,)

Power to acquire additional land for general purposes.

1. Certain lands, houses, and buildings in the parishes of Saint Mary Magdalen, Bermondsey, and Saint Mary, Rotherhithe, adjoining the Bricklayers Arms branch of the South-eastern Railway, and lying between Saint James Road and Rotherhithe New Road and Manor Road:

2. Lands in the parish of Shorne in the county of Kent, adjoining the North Kent Railway.

20. The powers of the Company for the compulsory purchase of lands authorised by this Act to be taken shall not be exercised for the purposes of the Railway Number 2 after the expiration of eighteen months from the passing of this Act, and for the other purposes of this Act, after the expiration of three years from the passing of this Act.

Powers for compulsory purchase, limited.

21. The Railway Number 2 by this Act authorised, and the works connected therewith, shall be completed within two years from the passing of this Act, and the other railway and works by this Act authorised shall be completed within five years from the passing of this Act, and on the expiration of those periods respectively the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.

22. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more, occupied wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice, placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention to take the same.

Houses of labouring classes.

[Ch. cliii.] *The South-eastern Railway Act, 1872.* [35 & 36 VICT.]

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Penalty if
railways not
made within
proper time.

17 & 18 Vict.
c. 31.

23. If the Company fail within the period limited by this Act to complete the railways, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act, seventeenth and eighteenth Victoria, chapter thirty-one, known as "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the Act, seventeenth and eighteenth Victoria, chapter thirty-one, to an account opened or to be opened, in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such lines by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of moneys to
be recovered
by way of
penalty.

24. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways, or any of them, or any part thereof, or who may be subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

25. The Company may pass over and use with their engines and train attendants, and for the purposes of traffic of all kinds arising on, or the ultimate destination of which is, stations on the Company's own railway (other than competitive traffic as herein-after defined), and not otherwise, so much of two lines of rails of the London, Chatham, and Dover Railway as lies between the proposed point of junction of Railway Number 2 by this Act authorised with that railway and the junction of that railway with the Metropolitan Railway at West Street Bridge, and the London, Chatham, and Dover Railway Company shall make all requisite arrangements for the aforesaid purposes: Provided always, that the expression "competitive traffic" shall be held and construed to apply to and include traffic to or from Canterbury, Margate, Ramsgate, Strood, Chatham, and Sheerness, as well as such other stations and places on the railways of the London, Chatham, and Dover Railway Company where those railways form the shortest route to such stations and places as, failing agreement between the Companies, may be determined by an arbitrator to be appointed by the Board of Trade on the application of either of the Companies: Provided also, that the powers hereby granted shall not, without the consent of the London, Chatham, and Dover Railway Company, be used for the purpose of taking up or setting down traffic at any station of that Company, or of conveying traffic other than through traffic to or from the Metropolitan Railway viâ West Street, and not otherwise, and that the Company shall not use or pass over the junction line leading from the London, Chatham, and Dover Railway under Snow Hill to the Metropolitan Railway.

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Power to run over and use certain portions of London, Chatham, and Dover Railway.

26. The tolls to be paid by the Company in respect of the said use shall be the tolls specified in the Schedule (A.) to this Act, and so far as the said tolls are not therein specified, the same and also the terms, conditions, and regulations to which the Company shall be subject in respect of the said use shall, if not agreed upon between them and the London, Chatham, and Dover Railway Company, be from time to time determined by an arbitrator to be appointed at the request of any party concerned by the Board of Trade, and the decisions of such arbitrator shall be binding and conclusive, and the costs and expenses of such arbitrator shall be defrayed as the arbitrator shall direct, and either of the Companies which shall refuse or neglect to perform, observe, and conform to any decision given, or regulation made by any such arbitrator in the premises, shall forfeit and pay to such person or Company as the arbitrator shall determine, any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence shall continue.

Terms of such use.

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Byelaws to be observed.

27. The Company in using or traversing the London, Chatham, and Dover Railway in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the undertaking so used, so far as such byelaws shall be applicable to the Company.

Powers hereby granted not to prejudice rights of other companies to run over London, Chatham, and Dover line.

28. Notwithstanding the powers hereby granted to the Company to run over and use the London, Chatham, and Dover Railway, the Company shall not directly or indirectly interfere to prevent the granting by the London, Chatham, and Dover Railway Company of powers to any other Company to run over and use their line, neither shall the powers hereby granted be held or construed to prejudice, restrict, or affect any existing powers or rights of any other company to run over and use the London, Chatham, or Dover Railway, or any part thereof.

Diversion of main outfall sewer to be done by the Metropolitan Board of Works at expense of Company.

29. The diversion of the main southern outfall sewer, and all the branch sewers, drains, connexions, and works connected therewith, shall be made and executed by the Metropolitan Board of Works, and not by the Company; the plans and specifications thereof shall be such in all respects as shall be approved by the engineer of the Metropolitan Board of Works. Before commencing the diversion, the Company shall deposit with the Metropolitan Board of Works the estimated cost thereof, such estimate to be made by the engineer of that board. On payment of such money the board shall proceed with the said diversion, and complete the same with all reasonable despatch, but in any event the Company shall bear harmless the board against any costs and expenses of any such works, and, on the other hand, if the amount estimated and deposited shall be more than sufficient to indemnify the board, the surplus shall be returned to the Company.

Diverted sewer to be vested in Metropolitan Board of Works.

30. The portion of the southern outfall sewer for which the authorised diversion is a substitute shall not be destroyed, but remain under the control and jurisdiction of the Metropolitan Board of Works, notwithstanding that the sewage and waters may be diverted. The same board shall be entitled at all times to an uninterrupted right of way over the substituted sewer, and no buildings shall be made thereon for any portion of its length, nor for a width of fifteen feet on each side of the centre line of such sewer, so that the same board, their officers, and workmen may at all times have power to open down to it from the surface, to enable the board to do all works of repair and otherwise, which may be necessary to the sewer and works.

Company to make a roadway over the

31. The Company shall make and complete a roadway, not less than forty feet in width, to the satisfaction of the Greenwich dis-

strict board of works, over the line of the proposed diversion of the southern outfall sewer, between Skelton Street and Straight's Mouth, and on its completion it shall thenceforth be a public highway, and shall be repairable accordingly.

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diverted
outfall sewer.

32. And whereas, in order to avoid injury to the houses and buildings within one hundred feet of the proposed diversion of the main southern outfall sewer, it may be necessary to underpin or otherwise strengthen the same: Therefore the Company may, at their own costs and charges, underpin or otherwise strengthen any such house or building: Provided that at least ten days notice shall (unless in case of emergency) be given to the owner, lessee, and occupier of the house or building intended to be underpinned or otherwise strengthened, (each such notice to be left on the premises,) and that the Company shall be liable to compensate the owner, lessee, and occupier of every such house or building for any inconvenience, loss, or damage which may result to them by reason of the exercise of the powers granted by this enactment: Provided also, that if the owner, lessee, or occupier of any such house or building shall give, within seven days after that notice, counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be referred to an engineer to be agreed upon, or, in case of difference, to a civil engineer to be appointed at the instance of either party by the Board of Trade, and such referee shall forthwith upon the application of either party, proceed to inspect such house or building, and determine the matter referred to him, and in the event of his deciding that such underpinning or strengthening is necessary, he may in his discretion prescribe the mode in which the same shall be executed, and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building, and the cost of such referee shall be paid by the Company, and the cost of the reference (other than the cost of the referee) shall be in the discretion of the referee: Provided that nothing in this enactment contained, nor any dealing with the property in pursuance of this enactment, shall relieve the Company from the liability to compensation under the sixty-eighth section of "The Lands Clauses Consolidation Act, 1845," or under any other Act: Provided also, that every case of compensation to be ascertained under this Act shall be ascertained according to the provisions contained in "The Lands Clauses Consolidation Act, 1845:" Provided also, that nothing in this section contained shall repeal or affect the ninety-second section of "The Lands Clauses Consolidation Act, 1845."

Company
empowered
to underpin
or otherwise
strengthen
houses.

33. The several provisions of sections seventeen, eighteen, nineteen, and twenty of the Act of 1866 shall extend and apply to the

Extending
to Act cer-
tain sections

[Ch. cliii.] *The South-eastern Railway Act, 1872.* [35 & 36 VICT.]

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of Act of
1866.

works by this Act authorised, and the purposes of this Act, as fully and effectually as if those sections respectively were re-enacted in this Act with respect to those works and purposes.

Metropolitan
Board of
Works may
avail them-
selves of
underpin-
ning clause.

34. The Metropolitan Board of Works may, if they deem it expedient, exercise any of the powers of this Act given to the Company by the section of this Act as to underpinning houses, and for these purposes may call on the Company to give any notices referred to in that section; and in case the Company shall delay to give any such notices, the board shall be at liberty to do so, and to charge all the costs of any notices and of any works to be done by the board under that section to the Company, who shall fully indemnify the board, and any costs, charges, and expenses incurred or to be incurred by such board shall be a debt from the Company, and recoverable by action at law, and if any question arises between the Company and the board as to anything arising out of the matters referred to in this section, the same shall be from time to time referred to and determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

Prescribing
height, &c.
of arches
over certain
streets.

35. The Company, except only so far as they and the Saint Saviour's district board of works from time to time otherwise agree, shall not, except temporarily so far as is necessary during the execution or repair of any of the works of the railway, stop up, or divert, or narrow in any manner the Grove, Ewer Street, Union Court, Gravel Lane, and George Street, and each of those streets or places shall be crossed by means of an arch or bridge of one span only, which span shall be of a width not less than the present width of the street or place, including the footways at the sides thereof, and the springing of the arch or bridge shall be nine feet at least above the present footways, and the soffit at the centre of the arch or bridge with respect to such streets or places respectively shall be not less than eighteen feet above the level of the carriage road, and the Company shall make the arch or bridge water-tight: Provided always, that the Company may, if they think fit, substitute girders for an arch or bridge, leaving a clear height throughout the width of the street not less than the prescribed height of eighteen feet.

Providing
for deficiency
of rates.

36. If and while the Company are possessed under this Act of any lands assessed or liable to be assessed in the Saint Saviour's district to any sewers rate, consolidated rate, poor rate, police rate, county rate, education rate, church rate, or other parochial rate, they shall from time to time until the railway or the works thereof are completed, and assessed or liable to be assessed, be liable to make good the deficiency in the assessment for such rates, by reason of those lands being taken or used for the purpose of the railway or

works, and the deficiency shall be computed according to the rental at which those lands with any buildings thereon are now rated. A.D. 1872.

37. If the Company shall require any of the ten almshouses situate in Gravel Lane in the parish of Saint Saviour's, Southwark, in the county of Surrey, and called Alleyne's Almshouses, for the purposes of the Railway Number 2 authorised by this Act, they shall purchase and take of the churchwardens and overseers of the poor of the said parish the whole of such almshouses and hereditaments, and the said churchwardens may and they are hereby empowered to erect and build new almshouses for the accommodation of ten alms-people in lieu thereof on land belonging to the Charity of Mark Howse, at Norwood in the county of Surrey, near to or adjoining the almshouses of and belonging to the said parish. The Com-
pany to pur-
chase alms-
houses.

38. All sewers, drains, watercourses, and works of drainage made by the Company in the district of the Saint Saviour's board of works shall be subject in all respects to the jurisdiction of the said district board, and except only as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, prejudice, or affect any of the rights, powers, jurisdictions, or authorities of that board. Saving juris-
diction of
board of
works.

39. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the powers, rights, privileges, and authorities of the Metropolitan Board of Works or of the Saint Saviour's district board of works. Saving rights
of Metropolitan
Board of Works
and Saint
Saviour's dis-
trict board of
works.

40. Every arch under the railway within the district of the Saint Saviour's board of works which, not being over a public thoroughfare, is yet open to the public, shall, if required by the said board, be enclosed or fenced in by the Company, so as to prevent its being or occasioning, by reason of its being so open to the public, any nuisance or detriment to the inhabitants of the district. Inclosure of
arches not
public
thorough-
fares.

41. Where any of the intended works to be done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as prejudicially to interfere with, any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Saint Saviour's district board of works, or shall in any way prejudicially affect the sewerage or drainage of the district under their control, the Company shall not commence such works until they shall have given to the said district board twenty-one days previous notice in writing of their intention to commence the same by leaving such notice at the office of such board, with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto; and until such board shall have signified their approval of the same, unless such board do not signify their approval, Works inter-
fering with
sewers or
drains to be
done under
direction of
district
board.

A.D. 1872.

disapproval, or other directions within twenty-one days after service of the said plan, sections, and particulars as aforesaid; and the Company shall comply with and conform to all directions and regulations of the board in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as such board may deem necessary for the proper protection of, and for preventing injury or impediment to, the sewers and works herein-before referred to by or by reason of the said intended works or any part thereof, and shall save harmless the said board against all and every the expense to be occasioned thereby, and all such works shall be done to the satisfaction of the surveyor of the said board, at the costs, charges, and expenses in all respects of the Company; and when any new, altered, or substituted works as aforesaid, or any works or defence connected therewith shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said board as any sewers or works now are or hereafter may be; and nothing in this Act shall extend, prejudice, diminish, alter, or take away any of the rights, powers, or authorities vested or to be vested in the said board or their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

Construction of bridges over public streets within the limits of the metropolis.

42. In the construction of the railways and works authorised by this Act, and situate within the jurisdiction of the Metropolitan Board of Works, the following rules shall be observed, subject to such modifications as may be agreed upon between the Company and the Metropolitan Board of Works :

1. Wherever the railway shall be carried across any public carriage road or public street within the limits of the metropolis as defined by "The Metropolis Management Amendment Act, 1862," and not authorised to be stopped up, it shall be made there and shall thenceforth be maintained, so as not to lessen the present clear width of such road or street, including the footway (where a footway now exists) :
2. The arch or opening of the bridge over such road or street shall be of such a span and height as shall be approved of by the Metropolitan Board of Works : Provided that in the case of Norman Road in the parish of Saint Alphage, Greenwich, the Company shall not be compelled to make the headway over such road greater than sixteen feet, nor greater than eighteen feet in any other case, and the arch or other structure over any such road or street shall be formed of an ornamental character, to the reasonable satisfaction of the engineer of the Metropolitan Board of Works :

3. No abutments or piers shall project beyond the general line of frontage of the adjoining houses: Provided always, that where there are gardens or forecourts in front of houses and the distance between the houses is great, the Company shall erect and maintain side openings supported with columns back to the general line of the frontages of the houses:

4. All bridges shall be made and maintained watertight, and so as to (so far as is practicable) deaden the sound of engines, carriages, and traffic passing over them:

5. The Company shall not commence the erection of any bridge proposed to be constructed for the purpose of carrying the railway over any road or street or way within the area under the jurisdiction of the Metropolitan Board of Works until they shall have given to the said Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same, by leaving such notice at the office of the said board, with plans, elevations, sections, and other necessary particulars of the construction of the said bridges, and until the said board shall have signified their approval of the same, unless the board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid:

6. The Company shall comply with and conform to all directions and regulations of the said board in the execution and subsequent maintenance of the said bridge and works connected therewith, and shall save harmless the said Metropolitan Board of Works against all and every expense to be occasioned thereby, and all such works shall, subject to the provisions of this Act, be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Metropolitan Board of Works, at the reasonable costs, charges, and expenses in all respects of the Company, and all all reasonable costs, charges, and expenses which the said Metropolitan Board may be put to by reason of the works of the Company, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to the said board by the Company on demand.

43. Wherever the railway shall cross, by means of cutting or otherwise, under any public road or public street within the limits of the metropolis as defined by "The Metropolis Management Amendment Act, 1862," so as to interfere with or alter the rates of inclination of such road or street, it shall be made there and shall

Bridges over cuttings in public roads or streets.

A.D. 1872.

thenceforth be maintained so as that the minimum inclination of such road or street shall not in any case be less than one in forty, and in respect of other roads and streets within the metropolis as aforesaid, not being public thoroughfares, the minimum inclination of such roads and streets shall not be less than one in thirty, and all bridges constructed by the Company under any roads or streets shall be constructed so as not to lessen the present clear width of such road or street, including the footway, and shall be further so covered as to prevent, as far as may be practicable, the escape of steam, smoke, or other offensive effluvia into the said roads and streets, and such bridges shall be so constructed, as far as may be practicable, as to deaden the sound of engines, carriages, and traffic passing underneath them; and the Company shall not execute or commence the erection of any such bridges or works as aforesaid until they shall have given to the said Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the said board, with plans, elevations, sections, and other necessary particulars of the construction of the said bridges, and until the said board shall have signified their approval of the same, unless the said board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid; and the Company shall comply with and conform to all directions and regulations of the said board in the execution and subsequent maintenance of the said bridges and works connected therewith, and shall save harmless the said Metropolitan Board of Works against all and every expense to be occasioned thereby, and all such works shall be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Metropolitan Board of Works at the costs, charges, and expenses in all respects of the Company, and all reasonable costs, charges, and expenses which the said Metropolitan Board may be put to by reason of the works of the Company, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to the said board by the Company on demand.

For protection of sewers of metropolitan and other boards.

44. Where any of the intended works to be done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as to interfere with any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Metropolitan Board of Works or of any vestry or district board constituted under "The Metropolis Management Act, 1855," "The Metropolis Management Amendment Act, 1862," or any Act or Acts amending the same or extending

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

A.D. 1872. district boards, and vestries, or any or either of them, or of their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

Pavements,
&c. to be
made good.

45. The Company shall not break up or disturb any street or place in the district under the control or direction of the Metropolitan Board of Works, or the Saint Saviour's district board of works, or of any vestry or other district board within the metropolis, or the pavement thereof, unless at least seven days previous notice in writing of their intention so to do, specifying the street, place, or pavement intended to be broken up or disturbed, be given to the surveyor of such boards or vestries, or left for him or them at his or their office or offices; and when the Company shall break up or disturb any such street, place, or pavement, they shall as soon as the works affecting it are completed, and at the furthest within three months from the day on which those works were begun, restore the street, place, or pavement to as good a condition as it was in when it was broken up or disturbed, and, if so required by such boards or vestries, under the superintendence and to the satisfaction of their several engineers or surveyors, and shall keep the same in repair for twelve months thereafter; and if the Company fail to restore the street, place, or pavement within the prescribed three months, they shall forfeit to the board or vestry, as the case may be, a sum not exceeding five pounds for every such offence, and an additional five pounds for every day after the expiration of that period, and after notice to them of the delay during which the delay continues, and the said boards and vestries having the control or direction thereof may restore the street, place, or pavement, and recover the expense of such restoration from the Company.

Reference of
differences to
arbitrator.

46. Any question which may arise under this Act between the Company, and any vestry or district board constituted under "The Metropolis Management Act, 1858," "The Metropolis Management Act, 1862," or any Act or Acts amending the same or extending the power thereof, shall be from time to time referred to and determined by an arbitrator to be appointed by the Board of Trade on the application of either party, and the costs of the arbitration shall be in the discretion of the arbitrator.

As to lands
of Messrs.
Rolls and
West.

47. The agreement between John Allan Rolls and James Roberts West and the Company, a copy of which is contained in the Schedule (B.) to this Act, is hereby confirmed and made binding on the parties thereto, and the Company shall not under the powers of this Act take, use, or purchase for any purpose whatsoever, any of the lands and hereditaments belonging or claimed to belong to John Allan Rolls and James Roberts West respectively in the

county of Surrey, other than the lands and hereditaments which are contracted to be sold to the said Company under the said agreement, without the previous consent in writing of the said John Allan Rolls and James Roberts West respectively, or the person or persons for the time being entitled to the rents of their respective estates.

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48. The Company on the one hand and the Secretary of State for War on the other, may enter into agreements and contracts with respect to the sale or lease to the Company of parts of the Hythe Military Canal, and for the user of such parts of the said canal, and the banks and works thereof, for the purposes of and in connexion with the authorised Hythe and Sandgate Extension Railway of the Company and facilitating the interchange of traffic.

Secretary of State for War and Company may agree as to dealing with Hythe Military Canal.

49. The Company on the one hand and the Seabrook Estate Company, Limited, on the other, may enter into contracts and arrangements with reference to the purchase by the Company, for the purposes of or in connexion with the said Hythe and Sandgate Extension Railway, of any of the lands of the said estate company: Provided always, that any such contract or arrangement shall be approved in the case of the Company by not less than three fifths of the votes of the shareholders present in person or by proxy at a special meeting convened for the purpose, and in the case of the Seabrook Estate Company, Limited, by a special resolution.

Power to agree with Seabrook Estate Company, Limited, as to lands for purposes of the before-mentioned extension railway.

50. The Company may from time to time, upon any lands belonging to them or which they may acquire by agreement under any of their Acts near to any of their stations, erect dwelling-houses for any of their officers or servants.

Company may provide dwelling-houses for their servants.

51. The Company from time to time may raise by the creation and issue of shares or stock such sums of money as they shall think necessary, not exceeding three hundred thousand pounds, exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament, and the Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock, as they may think fit.

Power to raise additional money.

52. The Company shall not issue any share created under the authority of this Act, 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.

Shares not to issue until one fifth paid up.

53. The amount of any one call to be made upon the shares created under the powers of this Act shall not exceed one fourth

Limit of amount and number of calls.

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of the amount of such shares, and there shall be an interval of two months at least between every two successive calls, and not more than three fourths of the amount of each share shall be called up in any one year.

Votes in respect of new shares or stock.

54. The proprietors of any shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as they would have been entitled to had such shares or stock been existing shares or stock of the like class in the Company.

Power to borrow on mortgage.

55. The Company may from time to time borrow on mortgage, in addition to any sums which they are already authorised to borrow, any sum not exceeding in the whole one hundred thousand pounds, but no part thereof shall be borrowed until shares or stock for the whole of the sum by this Act authorised to be raised by shares or stock shall have been issued and accepted, and one half of such sum shall have been paid up, and the Company shall 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 or stock for all the capital which the Company are by this Act authorised to raise by the creation of new shares or stock are 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 or sum of stock has been paid on account thereof, and that such shares and stock are bonâ fide held by the subscribers or their assigns, and that such subscribers or their 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.

Debenture stock.

56. The Company may from time to time create and issue debenture stock.

Existing mortgages to have priority.

57. All mortgages or bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, have priority over any mortgages or debenture stock to be granted by virtue of this Act.

Application of moneys.

58. All moneys raised under this Act, whether by shares, stock, or debenture stock, or by borrowing, shall be applied for the purposes of this Act.

Power to apply corporate funds to purposes of Act.

59. The Company may apply to the purposes of this Act any of the moneys which they have raised or which they have power to raise by virtue of any Acts relating to the Company, and which

may not be required for the purposes to which they are by any such Acts made specially applicable. A.D. 1872.

60. The Company, with the sanction of not less than three fifths of the votes of their shareholders entitled to vote in that behalf at meetings of the Company, present personally or by proxy at a meeting of the Company specially convened for the purpose, may from time to time create and issue such amount of new stock as may be necessary for the redemption of the preference capital created by and redeemable under the fourth section of "The South-eastern Railway (Capital Arrangements) Act, 1861," but such amount of new stock shall not exceed the nominal amount of capital to be redeemed, and such new stock so created for the purpose of such redemption shall be issued upon such terms and conditions, and with such preferential dividend, not exceeding five per centum per annum, as the shareholders at any such meeting as aforesaid shall determine.

Company may create stock to redeem preference stock issued under Act of 1861.

61. The Company may from time to time consolidate any two or more separate classes or denominations of guaranteed or preference stocks which the Company have created, or which at the time of consolidation they may be authorised to create, (not being debenture stock,) into a less number of guaranteed or preference stocks, and the Company may from time to time create such other classes or denominations of guaranteed and preference stocks of such nominal value or amount as may be necessary for the purpose, and on such terms and conditions as may be determined, and every such consolidation may be in accordance with such terms and conditions as are approved by the Company, but so that such terms and conditions are not inconsistent with the provisions of this Act, and every such new or consolidated guaranteed or preference stock shall be distinguished by such appropriate name or designation as the Company may think fit: Provided always, that every such consolidation shall be made and carried into effect, subject to and in conformity with the following provisions and regulations; (that is to say,)

Providing for consolidation of the guaranteed and preference stocks of the Company.

- (1.) The directors of the Company may from time to time prepare a scheme or schemes of the proposed consolidation, which may also define and determine the position of the different stocks of the Company, or any of them, and shall submit the same to a special general meeting of the proprietors of stock in the Company (not being debenture stock), and at least twenty-one days prior to the holding of such meeting a copy of the scheme shall be forwarded by post in a circular letter addressed to each proprietor at his last known or usual address:

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- (2.) If the scheme so submitted, with such modifications (if any) as may be agreed on, be approved of by at least three fourths of the votes of the proprietors of the respective stocks, present in person or by proxy at the meeting, but not otherwise, the same shall, subject as herein-after provided, be valid and binding, and may and shall be carried into effect accordingly :
- (3.) If within thirty days after the holding of the meeting one or more proprietors of any class or classes of stock or stocks which is or are directly or indirectly affected by the scheme, holding in the aggregate not less than five thousand pounds of such stock or stocks, shall signify in writing to the secretary of the Company his or their dissent from the scheme, and the grounds of such dissent, and his or their desire to have the scheme submitted to the Board of Trade as herein-after mentioned, the Company shall not proceed to carry the same into effect until it shall have been submitted to and investigated by the Board of Trade, or by some person to be appointed by them for the purpose (who is herein-after referred to as the arbitrator) :
- (4.) Within seven days after the expiration of the said period of thirty days, the secretary shall forward to the Board of Trade a list containing the names and addresses of the proprietors who may so dissent and desire to have the scheme submitted to the Board of Trade, with the grounds of their dissent, and the amount of stocks held by them respectively, together with a copy of the scheme, and upon the receipt thereof the Board of Trade shall forthwith cause the said scheme to be investigated pursuant to this Act :
- (5.) The Board of Trade or the arbitrator shall fix a time and place for the inquiry into and investigation of such scheme, and shall give notice to the Company and to every such dissentient proprietor of the day and place on and at which the investigation will take place, and the Board of Trade or the arbitrator may from time to time adjourn to such time and place, and may make such orders and regulations for the conduct of the investigation and the hearing of the parties thereto as they or he think fit :
- (6.) The Board of Trade or the arbitrator, after hearing the objections made to the scheme by the dissentient proprietors, and the reasons in support of the scheme that may be submitted on behalf of the Company, shall determine whether the objections, or any of them, and which (if any)

are well founded, and in what respect and in what manner (if at all) the scheme ought to be modified in reference thereto, and may alter and amend the same accordingly, and any such alteration and amendment may extend to and include an increase or reduction in the number of new or consolidated guaranteed or preference stocks, and an alteration in the position of the stocks proposed to be consolidated :

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- (7.) If any alteration or amendment of the scheme proposed by the Board of Trade or the arbitrator, would in their or his opinion materially affect any class or classes of stock or stocks, the Board of Trade or the arbitrator may, before finally settling the scheme, require notice of the proposed alteration or amendment to be given to every proprietor of the stock or stocks so affected, and if, within a period to be prescribed by the Board of Trade or the arbitrator, one or more proprietors of such stock or stocks, holding in the aggregate not less than five thousand pounds thereof, shall signify in manner aforesaid their dissent from the proposed alteration or amendment, and the grounds of such dissent, the Board of Trade or the arbitrator shall take such dissent and the grounds thereof into their or his consideration, and the proceedings thereon and in reference thereto shall be conducted and carried on in accordance with the provisions of sub-sections five and six of this enactment :
- (8.) The scheme as settled by the Board of Trade or the arbitrator shall be certified by the Board of Trade in such manner as they may think fit, and a copy of the scheme so certified shall be forwarded to the secretary of the Company, and such scheme shall thereupon be valid and binding, and may and shall be carried into effect : Provided always, that before finally certifying any scheme which has been so altered and amended, the Board of Trade, if in their opinion the alteration and amendment materially affect the scheme as already sanctioned by the proprietors, may require that the scheme as altered and amended be submitted to a special general meeting of the proprietors of stock in the Company (not being debenture stock), and be approved of by at least three fourths of the votes of the proprietors of such stock present in person or by proxy at such meeting and voting as herein-before prescribed.

62. The powers and provisions of this Act with reference to the consolidation of guaranteed and preference stocks shall be subject to the following conditions :

Restrictions
on consoli-
dation of
guaranteed

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and preference stocks for protection of holders thereof.

- (1.) That the fixed per-centage of interest or dividend to which the holder of any guaranteed or preference stock is entitled shall not be reduced without the consent in writing of such holder :
- (2.) That the aggregate amount of the dividend or interest payable in respect of any new or consolidated guaranteed or preference stock shall not exceed the aggregate amount of the dividend or interest which would or might have been payable in respect of the several guaranteed or preference stocks constituting the new or consolidated stock, if these stocks had not been so consolidated :
- (3.) That the right of the proprietor of any guaranteed or preference stock, in case of deficiency of dividend in any year, to be recouped out of the net profits of any subsequent year, shall not be altered without his consent in writing :
- (4.) That a guaranteed or preference stock which under any Act relating thereto is deprived of the right, in case of deficiency of dividend in any year, to be recouped out of the net profits of any subsequent year, shall not be consolidated with a guaranteed or preference stock having such right, except so far as such right shall be waived by the proprietors of such last-mentioned stock :
- (5.) That no guaranteed or preference stock to which the privilege of voting is now attached shall be consolidated with or converted into a guaranteed or preference stock to which the privilege of voting is not at the time of consolidation, or shall not by such scheme as herein-before authorised, be attached :
- (6.) All persons in whom any such consolidated stock shall be vested as aforesaid shall stand and be possessed thereof, upon the like trusts and subject to the like powers, provisions, declarations, and agreements, charges, and incumbrances upon and to which the stock in respect of which such consolidated stock was so vested was at the date of such consolidation so subject, so as to give effect to and not revoke any will or testamentary or other instrument disposing of the same.

Register of stock.

63. The Company shall from time to time cause the names of the several parties who may be interested in any new or consolidated preference stock, with the amount of the interest therein possessed by them respectively, to be entered in a book or books to be kept for the purpose.

Superannuation fund.

64. A fund may be established for the payment of superannuation and other retiring allowances to the officers and servants of the

Company, to be called the "Superannuation Fund," and for the purposes of such fund three directors of the Company for the time being, or persons to be appointed by the board of directors, and the following officers of the Company, namely, the general manager, the treasurer, the secretary, and the chief resident engineer, shall constitute a committee for the purpose of preparing, and shall prepare a scheme for the establishment of a fund for the payment of superannuation and other retiring allowances to the salaried officers and servants of the Company being contributors to such fund, and such committee may by a majority of its members determine in and by such scheme the following matters and things; (that is to say,)

What class of officers and servants of the Company shall be entitled to contribute to and participate in the benefit of the fund, and to what extent such contribution shall be obligatory upon the officers and servants of the Company :

What (if anything) shall disqualify any officer or servant of the Company from becoming a contributor to the fund and participating in the benefits thereof :

Under what circumstances any person having been a contributor to the fund shall cease to be entitled to participate in the benefits thereof :

What proportion (if any) of his own contribution to the fund any person having been, but ceasing to be, a contributor thereto shall be entitled to receive :

What proportion (if any) of the sums contributed by any person to the fund shall be payable to his representatives in the event of his dying before he becomes entitled to a superannuation allowance :

The age at which or other circumstances under which any person shall become entitled to a superannuation allowance :

The scale upon which superannuation allowances shall be calculated, and under what (if any) circumstances such scale may from time to time be revised :

The per-centage of their salaries which the officers and servants of the Company shall contribute to the fund, not exceeding the rate of two pounds and ten shillings for each one hundred pounds of their respective salaries in the case of officers under forty years of age at the time of becoming contributors to the fund :

The future management and direction of the fund, and the number, qualification, and mode of appointment or election of the committee in whom such management and direction shall be vested, and the remuneration of the members and officers of the committee :

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The mode in which the persons by whom and the times at which the accounts of the committee or of their treasurer or other officer shall be audited, and the manner in which the contributors to the fund and others shall have access to the accounts: The securities upon which the moneys received on account of the fund shall from time to time be invested: And generally all such other matters and things in relation to the fund as the committee appointed by this Act shall deem fit and proper to form part of and to be included in such scheme.

Company to contribute to fund.

65. The Company shall, at the end of each and every half year after the establishment of the superannuation fund, contribute out of the revenues of the Company such a sum as shall be agreed upon by the shareholders at a general meeting of the Company held after due notice of the before-mentioned object: Provided that the contribution of the Company to the superannuation fund shall not affect or take away the right or power of the Company to grant out of their own proper funds superannuation or other allowances to any of their officers or servants; but the Company may, at any time within ten years from the passing of this Act, with the consent of the proprietors present at a meeting convened with notice of such object, empower the directors to grant to any of their officers or servants who may be forty years of age or upwards at the time of the establishment of the fund, and either in addition to or independent of any allowance which he may be entitled to receive from the fund, such superannuation or other allowance as they from time to time think fit.

Committee may regulate their own procedure.

66. The committee appointed by this Act in relation to the superannuation fund may from time to time regulate their own procedure, and may appoint such officers and at such salaries, payable out of the said fund, as they may think fit.

Guarantee fund.

67. A fund may be established for the purpose of providing a guarantee to the Company for the good conduct of their officers and servants, to be called the "Guarantee Fund," and the directors of the Company may prepare a scheme for the establishment of such fund amongst those officers and servants, and such scheme may prescribe,—

What class of officers and servants of the Company shall be entitled to contribute to and to participate in the benefits of the fund:

To what extent such contribution shall be made obligatory upon the present and the future officers and servants of the Company who may after the passing of this Act be required by the Company to give a guarantee for their good conduct:

The sum or sums of money which the officers and servants of the Company shall contribute to the fund, and the scale upon which such contributions shall be calculated and determined :

The election and appointment of the trustees of the fund and the officers for managing the affairs and keeping the accounts thereof :

The nature of the security on which the sums received in respect of the fund shall from time to time be lent, advanced, or invested :

The losses or defalcations to be made good out of the fund, and the mode of ascertaining and determining the liabilities of the fund in respect of any claims made thereon by the Company, and the amount for which such fund is liable :

The amount or proportion of the moneys paid in respect of the fund to be from time to time held for the purpose of making good any claims thereon, and the amount or proportion of such moneys to be transferred to any superannuation fund established under the authority of this Act :

And generally all such other matters and things in relation to the said fund as the directors shall deem fit and proper to form part of and to be included in such scheme :

And the directors may accept and take the security of the said fund for or in respect of all or any of the officers and servants of the Company, and in lieu of any other security which they are now by law required to take from the treasurer and other officers and servants of the Company ; and the Company shall allow and pay interest upon or in respect of such of the moneys paid in respect of the said fund as may be retained or held by them, such interest being calculated and paid half-yearly at the average rate of interest paid by the Company for the then ending half year upon their mortgage and bond debt, and being carried to and forming part of the said fund.

68. The Company shall not, out of any money by this Act authorised to be raised by calls, debenture stock, or borrowing, pay to any shareholder interest or dividend on the amount of calls made in respect of the shares held by him : Provided always, that the Company may pay 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."

Interest not to be paid on calls paid up.

69. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum of money 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

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

A.D. 1872. — 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.

Railways not exempt from provisions of present and future general Acts.

70. Nothing herein contained shall be deemed or construed to exempt the railways from the provisions of any general Act relating to railways, or to the better or more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges, and of the rates for small parcels, authorised by this Act.

Expenses of Act.

71. All the 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 SCHEDULES referred to in the foregoing Act.

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SCHEDULE (A.)

SCHEDULE of Tolls for Through Traffic passing over the London, Chatham, and Dover Railway, under the running powers granted to the Company by this Act.

PASSENGERS :						
SINGLE.						
						<i>d.</i>
First class	-	-	-	-	-	2
Second class	-	-	-	-	-	1½
Third class	-	-	-	-	-	1
RETURN.						
First class	-	-	-	-	-	3
Second class	-	-	-	-	-	2½
Third class	-	-	-	-	-	1½
COAL.						
Per ton	-	-	-	-	-	4
GOODS.						
Per ton	-	-	-	-	-	6

Tolls in respect of other articles to be determined, failing agreement, by arbitration as provided by this Act.

SCHEDULE (B.)

ARTICLES OF AGREEMENT made this eighth day of May one thousand eight hundred and seventy-two, between John Allan Rolls, of the Hendre in the county of Monmouth, Esquire, of the first part; James Roberts West, of Alscot Park in the county of Gloucester, Esquire, of the second part; and the South-eastern Railway Company of the third part.

WHEREAS by articles of agreement bearing date the thirteenth day of May one thousand eight hundred and forty-two, made between the said James Roberts West of the first part, John Etherington Welch Rolls (since deceased), (the father and predecessor in title of the said John Allan Rolls), of the second part, the South-eastern Railway Company of the third part, and the London and

A.D. 1872.

Croydon Railway Company of the fourth part, the said James Roberts West and John Etherington Welch Rolls respectively agreed to sell to the said (South-eastern) Company the lands therein referred to upon the terms therein mentioned, and it was thereby agreed that neither of the said companies should exercise any power or powers contained in any then existing Act or Acts of Parliament, or to be contained in any future Act or Acts, authorising them to take, use, or purchase for any purpose whatsoever any part of the lands or hereditaments belonging to the said John Etherington Welch Rolls or to the said James Roberts West, or either of them, not comprised in that agreement, without the previous consent in writing of the said John Etherington Welch Rolls and James Roberts West respectively, or the person or persons for the time being entitled to the rents of their respective lands adjacent or contiguous to such of the lands comprised in the now reciting agreement as might be affected by the exercise of any such powers: And whereas a Bill has been brought into Parliament in the present session at the instance of the South-eastern Railway Company, herein-after referred to as "the Company," of which the short title is intended to be "The South-eastern Railway Act, 1872," the objects of which Bill include a power to the Company to acquire compulsorily certain lands belonging to the said John Allan Rolls and certain other lands belonging to the said James Roberts West, and powers of dealing with the said lands after the same shall have been acquired, and power to alter and raise the level of the Saint James Road in the parish of Saint Mary Magdalen, Bermondsey, in the county of Surrey, and to carry the road by a bridge over the Bricklayers Arms Branch Railway of the Company, and to make consequent alterations in the levels of adjoining roads: And whereas the said John Allan Rolls and James Roberts West have respectively presented petitions to the House of Commons against the said Bill, on the ground (among other grounds) that the said lands which the said Company purpose by the said Bill to acquire are lands which under and by virtue of the said recited agreement cannot be taken without the consent in writing of the said John Allan Rolls and James Roberts West respectively: Now these presents witness, that the Company do hereby agree with the said John Allan Rolls and his successors in estate, so far as the agreements herein-after contained affect him or them or his or their lands, and the Company do hereby agree with the said James Roberts West and his successors in estate, so far as the agreements herein-after contained affect him or them, or his or their lands, as follows; (that is to say,)

1. The said John Allan Rolls hereby agrees to sell and the Company agrees to purchase the lands and buildings of the said John Allan Rolls comprised in the deposited plans referred to in the said Bill, except two pieces of land fronting the Lynton Road, and containing three roods or thereabouts, delineated and shown on the plan hereto annexed marked A., and therein coloured blue.

2. The said James Roberts West hereby agrees to sell and the Company agrees to purchase the lands and buildings of the said James Roberts West comprised in the deposited plans referred to in the said Bill.

3. The respective values of the lands hereby agreed to be sold, and also the damage to adjoining lands by severance or depreciation and by the alteration of the Saint James Road aforesaid, and the alteration of the levels of adjoining roads, shall be determined by George Pownall, of Number 29, Parliament Street in the city of Westminster, Esquire, as sole referee, on or before the

second day of November one thousand eight hundred and seventy-two, or such further time as he shall appoint for that purpose by indorsement hereon, and in case of the refusal of the said George Pownall to act as such referee, or of his death or incapacity before the expiration of the time for making such award, all the matters and questions by this agreement referred to the said George Pownall shall be determined by some referee to be nominated by the President of the Institute of Civil Engineers, who shall have full power to fix the time for making his award, and to enlarge the same from time to time.

4. The said George Pownall, or such other referee as aforesaid, shall determine the accommodation works and other conveniences to be executed and maintained by the Company for the protection and benefit of the other lands of the said John Allan Rolls and James Roberts West respectively, not sold by them respectively to the Company, but this article shall not raise any presumption that such accommodation works or conveniences are necessary.

5. The Company shall pay to the said John Allan Rolls and to the said James Roberts West respectively the amount to be awarded by the said George Pownall, or such other referee as aforesaid, as the value of their lands and buildings, together with the damages by severance or otherwise, together with twenty-five per centum on the value of such lands and buildings only as a consideration for their consent to sell the said lands and buildings, and in case the purchase moneys shall not be paid by the first day of January one thousand eight hundred and seventy-three, the same shall carry interest at the rate of five pounds per centum per annum from that day until payment, whether the amount thereof shall or shall not have been determined in the meantime.

6. "The Lands Clauses Consolidation Act, 1845," sections 128, 129, 130, and 131, shall apply, notwithstanding the lands herein referred to may be deemed to be situate within a town or lands built upon or used for building purposes.

7. The powers proposed to be conferred on the said Company by the clause in the said Bill relative to sale of lands for a rentcharge, or letting same on building leases or otherwise, shall not extend to the lands purchased from the said John Allan Rolls and James Roberts West respectively under this agreement, and the same lands respectively shall be excepted from the operation of the said clause or any similar clause to be inserted in the said Bill.

8. All costs, charges, and expenses attending the arbitration before the said George Pownall, or such other referee as aforesaid, which may be incurred by the said John Allan Rolls and James Roberts West respectively, as well as the charges of the said George Pownall, shall be borne and paid by the Company, and in case any difference shall arise as to the proper amount thereof, such difference shall be determined by the said George Pownall, or such other referee as aforesaid.

9. All reasonable costs, charges, and expenses of and attending the opposition of the said John Allan Rolls and James Roberts West, in Parliament, and in the preparation and execution of this agreement, shall be paid by the Company, and the Company shall also pay all costs and expenses attending the sale and conveyance of the lands to them.

10. The Company shall, within six months after they shall have had possession of the lands of the said John Allan Rolls and James Roberts West hereby agreed to be sold respectively, erect on the north and south boundaries thereof

[Ch. cliii.] *The South-eastern Railway Act, 1872.* [35 & 36 VICT.]

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11. The conveyances to be executed to the Company of the lands hereby agreed to be sold respectively shall be executed in duplicate, at the expense of the Company, and a duplicate part of each conveyance to remain in possession of the said John Allan Rolls and James Roberts West respectively, and such conveyances respectively shall contain covenants on the part of the Company for the execution and maintenance of such accommodation works as shall have been awarded to be executed by the Company, and the erection and maintenance of the said boundary walls.

12. All the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, not inconsistent with this agreement, shall, so far as the same are applicable to the circumstances of the case, have application to the purchases hereby respectively made.

13. The said Bill shall contain a clause or provision confirming this agreement.

14. This agreement shall become void unless an Act confirming it shall be passed in the present session of Parliament.

In witness whereof the said John Allan Rolls and James Roberts West respectively have hereunto set their respective hands and seals, and the common seal of the said Company has been affixed hereto the day and year first above written.

JOHN ALLAN ROLLS.

L.S.

JAMES ROBERTS WEST.

L.S.

Signed, sealed, and delivered by the above-named
John Allan Rolls in the presence of

ALFRED MARKBY,
9, Lincoln's Inn,
Solicitor.

Signed, sealed, and delivered by the above-named
James Roberts West in the presence of

STEPHEN ALLSOP,
Butler to J. R. West.

The common seal of the South-eastern Railway Company
was affixed hereto in the presence of

EDWARD P. CEARNS,
Solicitor,
6, St. Thomas Street, S.E.

The
Seal of the
South-eastern
Railway
Company.